

1 DR. HUSSEIN HAMID HASSAN

2
3 UNITED STATES DISTRICT COURT

4 DISTRICT OF NEW YORK

5 03 MDL 1570 (GBD) ECF CASE

6 -----
7 In re Terrorist Attacks on September 11, 2001
8 -----

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13 Videotaped Deposition of DR. HUSSEIN HAMID HASSAN, Volume 1,
14 taken by AILSA WILLIAMS, Certified Court Reporter, held at
15 the offices of Jones Day LLP, London, UK, on 1 August, 2017
16 at 8:37 am
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21
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23
24

25 Job No. 127592

1 DR. HUSSEIN HAMID HASSAN

2 A P P E A R A N C E S:

3 For the Plaintiff:

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11
12 ALSO PRESENT:

13 JUAN MORILLO : QUINN EMANUEL

14 COURT REPORTER: AILSA WILLIAMS

15 VIDEOGRAPHER: MANU ROSSI
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25

DR. HUSSEIN HAMID HASSAN

I N D E X

DR. HUSSEIN HAMID HASSAN

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1 DR. HUSSEIN HAMID HASSAN

2 THE VIDEOGRAPHER: This is the start of
3 tape number one of the videotaped deposition of
4 Dr. Hussein Hamid Hassan, in the matter regarding
5 terrorist attacks on September 11, 2001, in the
6 United States District Court, Southern District of
7 New York, case number 03 MDL0-1570 (GBD)(SN).

8 This deposition is being held at Jones
9 Day, London, on August 1, 2017, at 8:37 am.

10 My name is Emanuelle Rossi from TSG
11 Reporting. I am the legal video specialist. The
12 court reporter is Ailsa Williams, in association
13 with TSG Reporting.

14 Will counsel please introduce
15 yourselves.

16 MR. CARTER: Sean Carter from
17 Cozen O'Connor, on behalf of the plaintiffs.

18 MR. HAEFELE: Robert Haeefele from Motley
19 Rice, on behalf of the plaintiffs.

20 MR. COTTREAU: Stephen T. Cottreau from
21 Jones Day, on behalf of Dubai Islamic Bank. With
22 me today is Ray Jackson and my colleague, Juan
23 Morillo, from Quinn Emanuel.

24 We have agreed with the other side in
25 this case to the following stipulation and have

1 DR. HUSSEIN HAMID HASSAN

2 agreed to put it on the record as well as in our
3 writings previously. That stipulation is as
4 follows:

5 Pursuant to Federal Rule of Civil
6 procedure 29A, both sides hereby stipulate that
7 ((1)) the depositions as noticed of Hussein Hamid
8 Hassan in London, UK, on August 1 through 3, 2017,
9 hereinafter "depositions", shall be taken before
10 Ailsa Williams of TSG Reporting, (2), Ailsa
11 Williams may administer any necessary oath and
12 take testimony at the depositions, and (3), the
13 depositions may be used for all purposes
14 consistent with the Federal Rules of Civil
15 Procedure and any existing or forthcoming
16 applicable orders of the court.

17 That is the end of the stipulation, and
18 I take it you agree, Mr. Carter?

19 MR. CARTER: I do.

20 THE VIDEOGRAPHER: Will the court
21 reporter please swear in the witness.

22 DR. HASSAN

23 Having been duly sworn,

24 Testified as follows:

25 DIRECT EXAMINATION BY MR. CARTER:

1 DR. HUSSEIN HAMID HASSAN

2 MR. COTTREAU: Mr. Carter, if you could,
3 as you have just seen, Dr. Hassan has difficulty
4 hearing in his advanced age. He has had a medical
5 procedure to help improve his hearing, but it
6 would be very helpful if you spoke very loudly
7 today. We won't take any insult at it, as long as
8 it is with your normal smile.

9 MR. CARTER: I will try my best.

10 A. Thank you.

11 Q. Good morning, Dr. Hassan.

12 A. Good morning.

13 Q. My name is Sean Carter. I am with
14 the law firm of Cozen O'Connor. As you heard
15 a moment ago, we are here today in London to take
16 your deposition, in connection with a legal
17 proceeding that is pending in the United States
18 District Court for the Southern District of New
19 York.

20 As you also heard a moment ago, we will be
21 conducting this deposition in accordance with the Federal
22 Rules of Civil Procedure. Those are the procedural rules
23 that govern legal proceedings in Federal Courts in the
24 United States. Under those procedures, you are required to
25 tell the truth in your testimony, and can be subject to

1 DR. HUSSEIN HAMID HASSAN

2 penalties for perjury if you do not do so. Do you
3 understand that?

4 A. Yes.

5 Q. In connection with our deposition
6 today, the court reporter, to your left and my
7 right, will be taking down both my questions and
8 your answers to those questions. To make her job
9 a bit easier, it is important for you to wait
10 until I finish asking my question before you begin
11 to answer, and for me to extend the same courtesy
12 to you and to be sure to wait until you finish
13 your answer before I begin asking the next
14 question. Do you understand that?

15 A. Yes. Okay.

16 Q. Just for the record, I would like to
17 mark as the first exhibit in the deposition the
18 notice of deposition that we served on your
19 counsel to schedule your testimony here today.

20 (Exhibit Exhibit 1 marked for identification)

21 MR. CARTER: We have marked as Exhibit 1
22 the notice of discovery deposition. I am going to
23 show it to your counsel.

24 MR. COTTREAU: Do you have copies?

25 MR. CARTER: I have copies of everything

1 DR. HUSSEIN HAMID HASSAN

2 else. That is the one thing we only have one copy
3 of.

4 MR. COTTREAU: That is fine.

5 MR. CARTER: Dr. Hassan, you have now
6 had a chance to read the notice of deposition. It
7 simply provides that we will be taking your
8 testimony here today in connection with the
9 proceeding I mentioned before. Do you have any
10 questions about the notice of deposition?

11 A. No.

12 Q. For the record, can you simply state
13 your full name?

14 A. Hussein Hamid Syeed Hassan.

15 Q. Dr. Hassan, before we began our
16 questioning today your counsel read a stipulation
17 into the record. Do you agree to that stipulation
18 as well?

19 A. Again?

20 Q. Before we began speaking with one
21 another today, your counsel read a stipulation
22 into the record, pursuant to which we agreed that
23 your testimony today would be conducted pursuant
24 to the Federal Rules of Civil Procedure here in
25 London. Do you agree with that?

1 DR. HUSSEIN HAMID HASSAN

2 A. I did not understand this question.

3 Please again?

4 Q. Because we are here in London --

5 A. Yes.

6 Q. -- taking your testimony for a legal
7 proceeding that is headquartered in New York, we
8 have agreed that we would proceed as though we
9 were sitting in New York and taking the testimony
10 there. Do you agree to that stipulation?

11 A. Yes, indeed.

12 Q. Dr. Hassan, what is your date of
13 birth?

14 A. Again?

15 Q. When were you born?

16 A. [REDACTED] 1932.

17 Q. Where were you born?

18 A. In Egypt.

19 Q. Are you currently an Egyptian
20 citizen?

21 A. Yes.

22 Q. Have you always been an Egyptian
23 citizen?

24 A. Yes.

25 Q. Have you ever held citizenship with

DR. HUSSEIN HAMID HASSAN

any other country?

A. No.

Q. Where do you currently reside?

A. Cairo, Egypt.

Q. Have you lived in Egypt your entire life?

A. Again?

Q. Have you lived in Egypt for your entire life?

A. Yes, but I travel from time to time.

Q. Have you ever lived for any extended period of time outside of Egypt?

A. Again?

Q. Have you ever lived for an extended period of time outside of Egypt?

A. Yes.

Q. Do you recall where else you have lived outside of Egypt and when you lived there?

A. I lived in the United States, I lived in Saudi Arabia, I lived in Pakistan, I lived in UAE, this is what I remember, for considerable periods.

Q. Do you recall when you lived in the United States?

1 DR. HUSSEIN HAMID HASSAN

2 A. Yes, from 1963 until 1965.

3 Q. And what were you doing in the
4 United States during that period?

5 A. I studied in the International
6 Institute of Comparative Law, New York University.

7 Q. You mentioned that you also resided
8 for some period of time in Saudi Arabia. When was
9 that?

10 A. From 1973 until 19 -- almost eight
11 or nine. I don't remember exactly --

12 Q. What caused you to move to Saudi
13 Arabia during that period?

14 A. I was the Chairman of the
15 postgraduate studies of King Abdullah Aziz
16 University.

17 Q. Where is King Abdullah Aziz located?

18 A. In Jeddah, but it has a branch in
19 Mecca, and I was in Mecca.

20 Q. You mentioned that you also resided
21 in Pakistan. When was that?

22 A. It was starting from 1979, I don't
23 remember the month, for almost 12 or 13 years.

24 Q. What brought you to Pakistan during
25 that time.

1 DR. HUSSEIN HAMID HASSAN

2 A. I was asked to establish the
3 International Islamic University, where I was the
4 Vice Chancellor of that University, and the
5 President of Pakistan was the Chancellor.

6 Q. Where was that university located in
7 Pakistan?

8 A. In Islamabad.

9 Q. What precipitated the creation of
10 that University?

11 A. Again?

12 Q. What led to the formation of that
13 University?

14 A. It is some agreement between
15 Pakistan and Egypt and some other countries,
16 because the Board of Trustees of this University
17 was constituted from dignitaries from different
18 Muslim countries.

19 Q. You mentioned as well that you had
20 lived in the United Arab Emirates for some time
21 period. When was that?

22 A. It was starting from 1998, but it
23 was not permanently, from time to time.

24 Q. For what duration of years did you
25 live in the United Arab Emirates, from time to

1 DR. HUSSEIN HAMID HASSAN

2 time?

3 A. I may recall from 1998 until almost
4 2013 maybe, maybe 2014, I am not exactly sure, but
5 it was not permanent. I used to go to do my work
6 and then to go back to Egypt.

7 Q. Dr. Hassan, have you ever been
8 arrested for any reason? Have you ever been
9 arrested?

10 A. No.

11 Q. Have you ever had your travel
12 movements restricted by any Government?

13 A. Again, the question?

14 Q. Have you ever had your passport
15 seized or your travel movements restricted by any
16 Government?

17 A. No. My passport -- my passport
18 seized means my passport to be taken?

19 Q. Has your passport ever been taken or
20 has any country ever barred you from leaving or
21 entering?

22 A. Now I am not staying in UAE, but
23 because I am not given residential visa.

24 Q. Are you not permitted to visit the
25 UAE currently?

1 DR. HUSSEIN HAMID HASSAN

2 A. I have not applied for residential
3 visa.

4 Q. Is there a reason you have not
5 applied?

6 A. My age now, we decided to have our
7 meetings through video conference.

8 Q. When was that decision made?

9 A. Excuse me?

10 Q. When was the decision to have these
11 meetings by video conference made?

12 A. I am not sure, but I think 4 or
13 5 years back, all our meetings of Shariah Board we
14 are having through video conference.

15 Q. Can you just very generally
16 summarize for me your educational background,
17 beginning at the university level, and any degrees
18 that you have received as a result of your
19 studies?

20 A. Yes. I studied in three
21 universities. First Al-Azhar Islamic University,
22 where I graduated from Islamic law faculty and got
23 my PhD in Islamic law. Simultaneously, I studied
24 in Cairo University where I got my license in
25 civil law and economics and two diplomas, one in

1 DR. HUSSEIN HAMID HASSAN

2 private law and one in shariah, and I studied in
3 New York University, the International Institute
4 of Comparative Law.

5 Q. You mentioned a moment ago that you
6 had received a degree in shariah. For anyone who
7 may not understand what that term means, what is
8 shariah?

9 A. Islamic law.

10 Q. When did you graduate from Al Azhar
11 Islamic University?

12 A. 1970 -- 1960. 1960.

13 Q. When did you receive your degrees
14 from Cairo University.

15 A. 1959. That was the first degree.

16 Q. You testified earlier that you came
17 to the United States in 1963 to attend New York
18 University. Is that correct?

19 A. Yes.

20 Q. What did you do between 1960 and
21 1963?

22 A. Again?

23 Q. Between when you graduated from
24 Al-Azhar Islamic University, in 1960, and when you
25 began your studies at New York University, in

1 DR. HUSSEIN HAMID HASSAN

2 1963, what were you doing.

3 A. First I was appointed as Deputy
4 Attorney for the Government of Egypt, in civil
5 cases, from 1959 almost to 1961. After that,
6 I moved as a teacher in Cairo University, in the
7 department of shariah law.

8 Q. Dr. Hassan, can you tell me again,
9 just speaking generally, in what fields you have
10 concentrated your professional efforts, over the
11 last 50 or 60 years?

12 A. Two fields mainly. Comparative law.
13 Because I studied civil law system in Cairo
14 University, and Islamic law I studied in Al Azhar
15 Islamic University, and common law I studied in
16 NYU, my aim was to study the legal systems, the
17 most important legal systems of the world; common
18 law, Islamic law, so-called Roman or Latin law.
19 This is number one. Number two is economics and
20 Islamic financing and Islamic banking.

21 Q. Can we mark this as Exhibit 2.

22 (Exhibit Exhibit 2 marked for identification.)

23 Dr. Hassan, in connection with our preparations to
24 meet you here today, we came across a website at the
25 location www.husseini-hamid.com. Are you familiar with that

1 DR. HUSSEIN HAMID HASSAN

2 website?

3 A. Yes.

4 Q. Are you affiliated with that
5 website?

6 A. Sorry, I asked my son-in-law to open
7 it and operate it, but I am not connected directly
8 to this website, as I am not operating on a daily
9 basis.

10 Q. Do you approve the content of the
11 website?

12 A. I don't exactly know what is written
13 on my website, because I am not following, but
14 I guess that what is written, if it is my articles
15 or my books, of course I approve it.

16 Q. Do you provide content to your
17 son-in-law to post on that website?

18 A. Some of them I provide, some of them
19 he collects himself from some articles, some
20 conferences himself.

21 Q. I am going to show you a document we
22 have marked as Exhibit 2. It is a print out of
23 what I believe to be a c.v posted on the
24 hussein-hamid.com website. I will ask you to take
25 a look at that document and let me know if it is

1 DR. HUSSEIN HAMID HASSAN

2 an accurate curriculum vitae for you.

3 A. This is okay, except the last
4 paragraph, concerning some dates, this is
5 a summary of this, this summary in the last
6 paragraph, some may be mistakes in dates.

7 Q. Aside from the errors in the dates,
8 in the last paragraph, it is otherwise accurate?

9 A. Yes, accurate.

10 Q. Is it complete?

11 A. Not complete, because after that
12 I have some other assignments.

13 Q. Do you have a current curriculum
14 vitae?

15 A. Excuse me?

16 Q. Do you have a current curriculum
17 vitae that is up-to-date?

18 A. No, I don't have it.

19 (Exhibit Exhibit 3 marked for identification).

20 (Exhibit Exhibit 4 marked for identification).

21 Q. Dr. Hassan, again, in connection
22 with our preparations to come and see you today,
23 we found an additional document on a website
24 called islamconference.ca, which appears to be
25 a curriculum vitae also associated with you. I am

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2 going to show you both the Arabic printout of that
3 document as well as an English translation.

4 A. The content is correct, although it
5 has not been prepared by myself, but the content
6 is almost in general correct. I have these
7 assignments. I have written these articles.

8 Q. Is the curriculum vitae that I just
9 gave to you comprehensive and complete?

10 A. No.

11 Q. With regard to the articles listed
12 in the curriculum vitae, are all of the articles
13 you have authored presented in that document?

14 A. Again, please?

15 Q. Does that document list all of the
16 articles you have authored?

17 A. The contents, the articles is
18 correct. These are my articles.

19 Q. Is it all of your articles?

20 A. Yes.

21 Q. You have not written any articles
22 other than those?

23 A. No.

24 MR. COTTREAU: Mr. Carter, I don't think
25 the witness understood.

1 DR. HUSSEIN HAMID HASSAN

2 MR. CARTER: Okay. Within that document
3 there is a heading "Publications and Research".
4 Do you see that? It will be on the second page at
5 the bottom.

6 A. This one or that?

7 Q. The English?

8 A. The English. This second page?

9 Q. I am sorry. May I? Here at the
10 bottom of the second page do you see the heading
11 "Publications and Research"?

12 A. Yes.

13 Q. And beneath that it lists a number
14 of articles, correct?

15 A. Yes.

16 Q. And did you author all of those
17 articles?

18 A. Yes, these are my articles.

19 Q. Does that list include every
20 article, book or paper you have ever written in
21 your very lengthy career?

22 A. No, it does not include. I have
23 many after that.

24 Q. Do you have a sense of how many
25 articles, books and papers you have written in

1 DR. HUSSEIN HAMID HASSAN

2 your career?

3 A. No.

4 Q. Do you have a complete list of every
5 article, paper or book you have ever written?

6 A. I don't have it now in writing.

7 Q. Did you at one time?

8 A. No.

9 Q. I would like to walk through the
10 document that is marked as Exhibit 4, and just ask
11 you questions about a few of the items listed.

12 A. This one?

13 Q. That is the one. There is
14 a reference on the first page to your service as
15 the Chair of graduate studies in the college of
16 shariah at King Abdullah Aziz University in Saudi
17 Arabia. We have already discussed that very
18 briefly. Can you tell me what your duties were in
19 that capacity?

20 A. Department of shariah. Which one?

21 Q. For the King Abdullah Aziz
22 University in Saudi Arabia?

23 A. King Abdullah Aziz University of
24 Saudi Arabia, I served in two capacities. One,
25 the Chairman, or the President of the postgraduate

1 DR. HUSSEIN HAMID HASSAN

2 studies for masters degree and PhD. The second
3 capacity, I was the President of the Promotion
4 Committee for the staff of King Abdullah Aziz
5 University.

6 Q. Did you teach at the university?

7 A. Yes, I teach -- I taught.

8 Q. Do you recall what subjects you
9 taught at that university?

10 A. Yes. I used to teach Islamic law
11 and jurisprudence.

12 Q. During the time that you served at
13 the King Abdullah Aziz University, do you happen
14 to recall whether there was a student there named
15 Osama Bin Laden?

16 A. No.

17 Q. Do you happen to remember whether
18 there was a faculty member there named Abdullah
19 Azzam?

20 A. No?

21 Q. Do you know who Osama Bin Laden is?

22 A. Yes, I know now.

23 Q. Have you ever met or spoken with him
24 personally?

25 A. No.

1 DR. HUSSEIN HAMID HASSAN

2 Q. Do you know who Abdullah Azzam is?

3 A. Yes, I know.

4 Q. Have you ever met or spoken with
5 Abdullah Azzam?

6 A. Yes.

7 Q. When did you first meet Abdullah
8 Azzam?

9 A. When he was seconded by King
10 Abdullah Aziz University. So the National Islamic
11 University, when I was the President of that
12 university, this International Islamic University
13 used to not recruit its own teachers, but its own
14 teachers are seconded, deputed by foreign
15 universities as assistants to Pakistan, and among
16 them was deputed or seconded by King Abdullah Aziz
17 University to teach in the International Islamic
18 University, then I get to know him as a teacher
19 seconded to my university, and he was teaching in
20 this university for some time.

21 Q. Do you recall when he was seconded
22 to the Islamic International University in
23 Islamabad?

24 A. I am not sure, but most probably,
25 most probably after 82/83 almost. 82, 83.

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2 Because that university started in 79, but full
3 fledged university, 80. At that time maybe we
4 started receiving teachers from different
5 countries seconded by their own universities, and
6 I think maybe after 2 or 3 years Abdullah Azzam
7 was seconded to the International Islamic
8 University.

9 Q. Do you know what led to him being
10 seconded to the International Islamic University
11 in Islamabad?

12 A. I don't know why he was selected,
13 but all universities in the Muslim world were
14 asked to second teachers. But we have nothing --
15 I have nothing to do with the selection, choosing
16 teachers.

17 Q. Do you know where the funding for
18 the establishment of the International Islamic
19 University in Islamabad came from?

20 A. Again, excuse me, the question?

21 Q. Do you know where the funding to
22 establish the International Islamic University in
23 Islamabad came from?

24 A. From Pakistan, number one, and for
25 the other foreign countries, they fund this

1 DR. HUSSEIN HAMID HASSAN

2 university in kind. It means to second teachers
3 or to come and to construct one building, or one
4 faculty. It means that assistance was not in
5 cash, in money, but we asked any country to come
6 to build a building for faculty of law, for
7 example, residential for girls and to second
8 teachers from their university, paid by their
9 parent universities. The cash funding was from
10 Pakistan.

11 Q. While Abdullah Azzam was teaching at
12 the International Islamic University in Islamabad,
13 do you know who was paying his salary?

14 A. King Abdullah Aziz University.

15 Q. Do you recall for how many years he
16 was a faculty member at the International Islamic
17 University in Islamabad?

18 A. Exactly -- it is a long time,
19 I didn't remember, but I can guess, maybe 4 or
20 5 years, something like that.

21 Q. Do you know why he left?

22 A. He was killed.

23 Q. He was killed?

24 A. Yes, he was killed.

25 Q. How was he killed?

1 DR. HUSSEIN HAMID HASSAN

2 A. He was bombed.

3 Q. And where did that happen?

4 A. I am not sure about the date.

5 Q. Is your recollection that he was
6 continuously employed by the International Islamic
7 University in Islamabad, from the time he joined
8 until he was killed?

9 A. Yes.

10 Q. We may return to some of the issues
11 relating to Abdullah Azzam later, but I would like
12 to move on and try and work through some of the
13 other issues here.

14 A. Okay.

15 Q. Under a category titled "Advising",
16 there is a reference to you having served as an
17 adviser to the President of the Republic of
18 Kazakhstan and the President of the Republic of
19 Pakistan. On what issues did you advise the
20 President of the Republic of Kazakhstan?

21 A. The President of Kazakhstan
22 requested the President of Egypt to second someone
23 who is qualified to prepare to help with preparing
24 the constitution for the new state, after the
25 collapse of former Soviet Union, and all Central

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2 Asia Republics became independent. Then he asked
3 the Egyptian President: "We need someone to build
4 our state, new state." Then the President of
5 Egypt seconded me as adviser to the President of
6 Kazakhstan. I helped in preparing the
7 constitution of Kazakhstan, privatization of the
8 economy, to make it market economy, and the basic
9 laws, because I tried to convert the social system
10 into the -- how you say -- the market system.
11 I have done my best. I helped in preparation of
12 the constitution. It was approved, and this was
13 my advising the President of Kazakhstan on legal
14 issues also, economic issues also. This was my
15 role.

16 Q. During what years did you serve in
17 that role?

18 A. Again?

19 Q. During what years did you serve as
20 an adviser to the President of Kazakhstan?

21 A. I recall I started at 91, after the
22 collapse of the former Soviet Union, and
23 Kazakhstan to be independent. Almost 91, almost.
24 I am not sure about the date exactly, but it was
25 like that. Maybe 91, maybe 92, but it was like

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2 that, around this time.

3 Q. With regard to your role as an
4 adviser to the President of the Republic of
5 Pakistan, what type of advice were you providing?

6 A. Being the Vice Chancellor of the
7 International Islamic University, and then I was
8 renamed as President of that University, after
9 some time, maybe 10 or 15 years, I left my
10 position to someone else, and I was adviser on the
11 Islamic University education, on the Islamic
12 University education. After I left my position as
13 President, then I became adviser on the Islamic
14 university affairs.

15 Q. Have you served as an adviser to any
16 other Government or Government official?

17 A. Yes. I served as adviser to the
18 Prime Minister of Kurdistan, Central Asian
19 Republic, neighboring country to Kazakhstan,
20 economical adviser.

21 Q. Have you served as an adviser to any
22 other governments or Government officials?

23 A. No.

24 Q. There is a reference in the section
25 as well that you served as an adviser to the

1 DR. HUSSEIN HAMID HASSAN

2 Secretary General of the Muslim World League.

3 What is the Muslim World League?

4 A. This is an organization established
5 by OIC, organization of Muslim countries, and
6 situated in Mecca, in Saudi Arabia. It has
7 a Secretary General, and I was adviser to the
8 Secretary General of that organization.

9 Q. What is the purpose of the Muslim
10 World League? What is the Muslim World League's
11 purpose?

12 A. Purpose was to coordinate and help
13 Muslims how to cooperate, and from time to time
14 they used to hold conferences and to help the
15 minorities, Muslim minorities and help in digging
16 wells to cultivate the land. I mean help for the
17 minorities almost in Africa, almost.

18 Q. Is one of the goals in the Muslim
19 world to spread the Islamic faith?

20 A. No, no.

21 Q. Are you familiar with an Arabic term
22 Dawah?

23 A. Yes, I am familiar.

24 Q. What is Dawah?

25 A. Dawah means to invite people to

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2 Islam and to educate Muslims to commit to Islam,
3 both, this is Dawah.

4 Q. Is the Muslim World League in your
5 view a Dawah organization?

6 A. No, it is not.

7 Q. Why do you say no?

8 A. Because I know the nature. It is
9 short, it is a system, and there is not
10 a Dawah organization.

11 Q. Does it engage in activities
12 designed to educate people about Islam?

13 A. It can help educating. But it has
14 no -- for example, Al-Azra, in Egypt, it is a
15 Dawah organization. They send people to
16 countries, to Africa, to teach Muslims. But
17 rather than Islamic -- this organization, it is
18 not sending anybody to any country to invite
19 people to Islam or to teach them Islam. They
20 don't have this system at all.

21 Q. As you understand it, the Muslim
22 World League does not send people out to other
23 countries to teach Islam or to serve as preachers
24 in mosques?

25 A. This is what I understand.

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2 Q. Are you familiar with an entity
3 called the International Islamic Relief
4 Organization?

5 A. Yes, I heard about it, but I am not
6 familiar with that.

7 Q. You have never done any work with
8 the International Islamic Relief Organization?

9 A. Never.

10 Q. Do you know whether it has any
11 affiliation with the Muslim World League?

12 A. No.

13 Q. Do you know whether the
14 International Islamic Relief Organization is
15 a Dawah organization?

16 A. I don't know, but I believe they are
17 not.

18 Q. When did you serve as an adviser to
19 the Secretary General of the Muslim World League?

20 A. It is difficult for me to recall,
21 but I can say in the period between 1985 and 1989.
22 I am not sure about it. My memory for dates is
23 very weak, for dates. I am not sure. But I can
24 say in the days where Dr. Abdullah Omar Nassif was
25 the Secretary General, I worked with him as his

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2 adviser.

3 Q. Towards the bottom of the same page,
4 it identifies you as a member of the Islamic Fiqh
5 Academy of the Muslim World League. Do you see
6 that as well?

7 A. Fiqh Academy?

8 MR. CARTER: Dr, Hassan, it is page 2.
9 The second page.

10 A. Second page?

11 Q. Second page, very near to the
12 bottom.

13 A. Fiqh Academy, yes.

14 Q. And is that an association with the
15 Muslim World League in addition to your service as
16 Dr. Nassif's adviser?

17 A. This is different organization.
18 This Islamic Fiqh Academy, this is a different
19 organization, concerning with research about
20 Islamic law research, and I am a consultant until
21 now.

22 Q. Beginning when?

23 A. I don't remember. A long time back.

24 Q. Do you know whether the Fiqh Academy
25 has any relationship to the Muslim World League?

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2 A. No, I don't know. I don't know.

3 I don't know.

4 Q. In connection with your association
5 with the Muslim World League, have you ever
6 attended any conferences held by the Muslim World
7 League?

8 A. Yes, I have attended.

9 Q. About how many?

10 A. About maybe three or four
11 conferences.

12 Q. When was the most recent conference
13 of the Muslim World League that you attended?

14 A. Again?

15 Q. When was the last time you attended
16 a Muslim World League conference?

17 A. 3 or 4 years back.

18 Q. When was the first time you attended
19 such a conference?

20 A. A long time back, a long time.

21 I attended maybe -- maybe 15 years back,
22 I attended. While I was adviser to the Secretary
23 General, I was attending conferences held at that
24 period.

25 Q. Generally speaking, what would

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2 happen at a Muslim World League conference?

3 A. As a matter of fact, this
4 organization is calling for brotherhood and peace
5 between Muslims and non-Muslims. You can see in
6 the chart, the smell and the soul of their
7 conferences and the papers -- I wrote one paper
8 even for one of these conferences, it is only
9 calling for peace, and because we held one
10 conference in Spain, for example, some other
11 conference in some other places, they are to bring
12 Muslims with non-Muslims together in peace to make
13 the brotherhood between Muslims and non-Muslims.
14 This is their role since they were established,
15 established by the Muslim countries and to call
16 for peace and the brotherhood between Muslims and
17 non-Muslims. This is most of their work and
18 research and conferences.

19 Q. Putting aside the subject matter for
20 a moment, I would like to explore a bit more about
21 the mechanics of the conference. Would people, as
22 you understand it, typically submit papers for the
23 conferences?

24 A. Yes.

25 Q. And as a conference attendee, would

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2 you receive those papers?

3 A. We received, yes.

4 Q. And would people give speeches at
5 the conference?

6 A. Every invitee would be allowed to
7 present his paper and also he may participate in
8 discussing the papers of the others. This is the
9 mechanics.

10 Q. Were any of the conferences you
11 attended videotaped?

12 A. I don't know, but I suppose that --
13 videotaped by whom? I think yes, because it was
14 published after that in a book shape. I mean they
15 collected either by typing or recording, but
16 I don't know.

17 Q. Are you saying that there was
18 a transcript of the conference published after the
19 conference concluded?

20 A. Yes.

21 Q. In connection with your involvement
22 with involvement with the Muslim World League,
23 have you attended conferences at which any Saudi
24 officials were present?

25 A. Again?

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2 Q. Were any Saudi officials present at
3 any of the Muslim World League conferences you
4 attended?

5 A. Excuse me, I did not get it?

6 Q. Were any Saudi Government officials
7 present at any of the Muslim World League
8 conferences you attended?

9 A. I don't know. I don't know.

10 Q. In your role as an adviser to the
11 Secretary General of the Muslim World League, did
12 you have any interactions with any Saudi
13 officials?

14 A. Any?

15 Q. Any Saudi Government officials?

16 A. No.

17 Q. With regard to the Islamic Fiqh
18 Academy, does that organization include any Saudi
19 Government officials?

20 A. All members are scholars, chosen,
21 selected by the Muslim states. That is official
22 organization. It means scholars solving the
23 problems facing the Muslim countries. It is legal
24 issues. It is almost issues to be solved
25 according to Islamic law, and the members are

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2 selected by their own Muslim countries. It is
3 established by organization of Muslim states. It
4 is -- I mean a formal one. I am consultant. That
5 is all.

6 Q. But do you happen to know whether
7 any members of the Islamic Fiqh Academy also serve
8 as officials of the Government of Saudi Arabia, or
9 perhaps members of its Ministry of Islamic
10 Affairs?

11 A. What I know, the members of this
12 academy are chosen, selected by their Muslim
13 states, yes.

14 Q. Do you happen to know the names of
15 any of the scholars who were selected by Saudi
16 Arabia who currently serve on the academy?

17 A. No, I don't know.

18 Q. Moving down just a bit, on this same
19 document, Exhibit 4, if I recall correctly, there
20 is a section entitled "Islamic Banking". Do you
21 see that? Sorry, it is on page 2, Dr. Hassan. It
22 is the one in your right-hand, I believe.

23 A. "Islamic Banking", yes.

24 Q. Can you tell me what Islamic banking
25 is?

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2 A. Islamic banking is like the
3 commercial banking, receiving deposits, using
4 deposits, financing their clients, but the basis
5 is different. Commercial banks or conventional
6 banks, we used to say, received deposits and
7 compensate depositors with interest, fixed
8 interest, and they lend these deposits to their
9 customers with interest. This is the commercial
10 or conventional banking. Islamic banking is based
11 on participation. Depositors deposit their money
12 with the bank, with the shareholders. In a common
13 pool, they take these deposits with the
14 shareholders' equity, invest it in shariah
15 compliant transactions, and they distribute the
16 profit as agreed and share the risk. That is we
17 used to say the Islamic banking is risk sharing
18 and the conventional banking is risk shifting.
19 Commercial banks, when they give loan for anyone
20 to finance its project, the client is to bear the
21 risk of his project. He should repay the loan
22 with the interest in any case. Bank only get
23 interest. But Islamic bank, if financing
24 a project, bear the risk, means the bank may lose
25 the capital. The difference then no riba, no

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interest. Islamic banks, they are not taking
riba, the interest, they are not given interest
but based on participation in profit and in risk,
means in loss. But other than this, the same
procedures, the same functions all of them,
Islamic banks, commercial banks, receiving savings
or opening accounts, check account, investment
account, savings accounts, and utilizing the risk
with their own customers. That is why only the
Islamic banks, based on participation in profit
and risk, and the commercial banks on the base of
interest.

Q. Why do Islamic banks avoid
functioning based on an interest system?

A. Because it is revealed in the Quran,
the book of Muslims and from the Sunna of the
Prophet. The Sunna of the Prophet, he says that
to take in, to deal with interest, to take
interest or to pay interest is prohibited. This
Muslims believe in that. That is why they tried
to start a system of banking to collect savings
and to direct it to investment and development,
but on the base of sharing risk and sharing
profit.

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2 If someone, just for an illustration, has
3 a project and he prepares a feasibility study, project is
4 profitable, is good, but he has no money at all, if he wants
5 to go to commercial bank, he will never be given loan,
6 because he should submit collaterals, guarantees. If he
7 wants 100 million, he should submit guarantees with
8 120 million, as a guaranteed collateral. But if he goes to
9 Islamic bank, Islamic bank will look to the project itself.
10 If it is viable, then the bank will give the capital, the
11 financing of 100 million, and they agree that the profit
12 will be shared according to the agreement. If there is
13 a loss, the bank will lose the capital.

14 Q. Do all practices and services of an
15 Islamic bank have to comply with shariah?

16 A. Yes, it should be.

17 Q. So, if an Islamic bank or financial
18 institution wants to pursue and offer some new and
19 innovative financial product, does some review
20 have to be undertaken to verify that the proposed
21 project or service complies with shariah?

22 A. Yes.

23 Q. Who typically does that?

24 A. All Islamic banks have a shariah
25 board. Shariah board is to look to the

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2 agreements, contracts, transactions, submitted to
3 them, referred to them, to give a shariah opinion,
4 Islamic law opinion, to approve if it is
5 consistent with Islamic law, and to reject if it
6 is inconsistent with Islamic law, or to make some
7 amendments, changes and send it back to the
8 management.

9 Q. Have you worked in this capacity for
10 Islamic banks?

11 MR. COTTREAU: Objection, vague.

12 A. Yes.

13 Q. Have you during the course of your
14 career served as a member of a shariah board for
15 an Islamic bank?

16 A. Again?

17 Q. Have you during your career served
18 as a member of a shariah board for any Islamic
19 bank?

20 A. Again, the question?

21 Q. Have you, during your career, ever
22 served as a member of a shariah board for an
23 Islamic bank?

24 A. Yes. Yes.

25 Q. Approximately how many shariah

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2 boards have you served on for Islamic banks?

3 A. Approximately maybe 25, 20, 24, but
4 not at the one time. Sometimes there is one bank,
5 sometimes they are five, sometimes they are 20.
6 It means, if I am a member or a Chairman -- I was
7 a Chairman most of the cases -- if I am a Chairman
8 for a bank I may, after four or five years, leave
9 the bank, and then I become Chairman or a member
10 of another Islamic bank, but I can say for more
11 than maybe 20, 25, maybe 26 Islamic banks and
12 financial institutions, like insurance companies,
13 investment companies, leasing companies.

14 MR. COTTREAU: Can we take a break.

15 MR. CARTER: Sure.

16 THE VIDEOGRAPHER: Going off the record
17 at 9:43.

18 (A short break)

19 THE VIDEOGRAPHER: Back on the record at
20 9:55.

21 MR. CARTER: Dr. Hassan, returning for a
22 moment to the document we marked as Exhibit 4, and
23 in particular on the second page, it identifies
24 your service on a number of fatwa and shariah
25 oversight boards. Do you see that?

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2 A. Shariah board, yes. Main board of
3 ... which one?

4 Q. Do you see the references to
5 fatwa and shariah oversight board?

6 A. Oversight board, Emirates and Sudan
7 Bank, yes.

8 Q. Before we took a short break, you
9 mentioned to me that Islamic banks have shariah
10 boards?

11 A. Yes.

12 Q. Is a fatwa and shariah oversight
13 board the same thing as a shariah board, as you
14 referred to that term previously?

15 A. No. The difference is that the
16 management may ask --

17 THE VIDEOGRAPHER: I am sorry, I have to
18 go off the record. There is a problem. We are
19 going off the record at 9:57.

20 (A short break)

21 THE VIDEOGRAPHER: Going back on the
22 record at 9:59. I have it on SD card, so it is
23 not a problem.

24 MR. CARTER: Could you read the pending
25 question.

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2 (Read back)

3 A. No, the full name of that board is
4 Fatwa and Supervision Board, but sometimes they
5 shorten it to say "Shariah Board". Sometimes they
6 say "Fatwa Board". Sometimes they say
7 "Supervisory Board". But the full name is Fatwa
8 and Supervision Shariah Board. This is the full
9 name. Supervision means sight also, the same. It
10 means the Shariah Board serves two functions. One
11 is to give fatwa. If the management ask before
12 execution of a contract, before they sign it, they
13 may ask "is it shariah compliant", which means is
14 it consistent with Islamic law, the Shariah Board
15 will give opinion. This is called "fatwa". After
16 Shariah Board gives the fatwa, we send it to the
17 management to execute, but after execution we have
18 audit, shariah internal audit. We send audit to
19 check if the management has understood the fatwa
20 and implemented the right way, and come us back if
21 there is any kind of misunderstanding or some
22 observations. This Shariah Board is doing both.
23 Fatwa means legal opinion, and supervision means
24 to make sure that each fatwa has been implemented
25 correctly.

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2 Q. Within that section of Exhibit 4, it
3 identifies you as a Chair of the Fatwa and Shariah
4 Oversight Board with Dubai Islamic bank. Is that
5 a position you currently hold?

6 A. Chairman, Chairman of Shariah Board.
7 I am still Chairman of the Shariah Board.

8 Q. When did you join the Fatwa and
9 Shariah Oversight Board of Dubai Islamic bank?

10 A. 1998.

11 Q. How were you appointed to serve on
12 that Board?

13 A. I don't know. I was told that
14 I have selected to be Chairman of the Shariah
15 Board.

16 Q. Who communicated that appointment to
17 you?

18 A. The bank itself.

19 Q. Do you recall who at the bank?

20 A. No, the person -- I mean the
21 management, the management of the bank, some from
22 administration, they informed me that "you have
23 been selected as Chairman of the Shariah Board".
24 I accepted, I came and I accepted, and started my
25 work. This is not a permanent job, it is

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2 part-time. We meet every three months, when the
3 bank became big, now we meet every month, but at
4 the beginning maybe quarterly, maybe every six
5 months, when we have cases. Because our agenda
6 only for the cases referred submitted to us, that
7 is all. We look, decide cases, submitted to us,
8 referred to us. When we have -- even sometimes we
9 may meet twice a month, if we have a lot of cases
10 pending.

11 Q. Do you currently serve on the
12 shariah boards of any other banks?

13 A. Yes, many.

14 Q. How many are you currently serving
15 on?

16 A. Almost 12/13 banks and financial
17 institutions, which means insurance companies,
18 Dubai financial market. I am the Chairman also
19 IDB, in Saudi Arabia, I am the Chairman. Almost
20 13/14.

21 Q. You mentioned a moment ago, if
22 I understood your testimony correctly, that your
23 role as the Chair of Dubai Islamic Bank Fatwa and
24 Shariah Oversight Board is not a full-time
25 position. Is that correct?

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2 A. Again?

3 Q. Your position as the Chair of the
4 Shariah Board at Dubai Islamic Bank is not
5 a full-time position, correct?

6 A. Yes, it is not full-time position
7 yes. It is not full-time.

8 Q. Over the last 5 years, can you
9 estimate how many hours per year, just an
10 estimate, you would spend working in your capacity
11 as the Chair of the Shariah Board for Dubai
12 Islamic Bank?

13 A. You mean for the last 5 years?

14 Q. On average per year, during the
15 window of the last 5 years, how many hours per
16 year would this job consume?

17 A. 12 x 5, 60 hours almost.

18 Q. 60 hours?

19 A. Yes.

20 Q. Per year?

21 A. Per year, because we have one
22 meeting a month. The meeting takes on average
23 5 hours, which means 12 multiplied by five means
24 60 hours almost. It can be less, it can be more.

25 Q. You mentioned a moment ago that the

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2 meetings have increased as the bank has gotten
3 larger. During the early period when you joined,
4 in 1998 or so, how many hours a year were you
5 spending then in your role as the Chair of the
6 Shariah Board at Dubai Islamic Bank?

7 A. Maybe from 6 to 10 hours, because we
8 used to have meetings every quarter, maybe every
9 four months, and meeting cases -- bank is small
10 one, maybe two branches, three, now we have almost
11 70 branches, then the workload is more, that means
12 we spend more hours.

13 Q. I take it this is a paid position?

14 A. Again?

15 Q. I take it you are paid to serve as
16 the Chair of the Shariah Board?

17 A. Yes, we are paid. All members of
18 the Shariah Board are paid for their work.

19 Q. Do you happen to know the total
20 amount of monetary remuneration you received last
21 calendar year for serving as a member of Dubai
22 Islamic Bank's Shariah Board?

23 A. Again the question?

24 Q. Do you happen to know how much money
25 you were paid during the last calendar year to

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2 serve as a member of Dubai Islamic Bank's Shariah
3 Board?

4 A. I am not sure. I can't. It is not
5 in my mind, because sometimes we meet more than
6 once a month, if we have some urgent cases, we may
7 meet twice a month, three times, but I am not sure
8 about that.

9 Q. What is the system for compensating
10 you for serving on the Shariah Board at Dubai
11 Islamic Bank?

12 A. Annual honorarium plus for each
13 meeting, honorarium for a meeting, plus annual
14 honorarium.

15 Q. Do you remember what the annual
16 honorarium is?

17 A. It started with \$10,000 and
18 increased into 20. Now it is 30.

19 Q. What is the honorarium for any
20 individual meeting?

21 A. It started with \$1,000, increased
22 to 2,000 nowadays.

23 Q. In connection with serving as the
24 Chair of the Shariah Board of Dubai Islamic Bank,
25 have you received any stock in the bank as

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2 compensation?

3 A. Documents?

4 Q. Stock?

5 A. No. No, not at all.

6 Q. Since joining Dubai Islamic Bank's
7 Shariah Board, in 1998, have you served
8 continuously as the Chair?

9 A. Yes.

10 Q. Do you have a permanent office at
11 Dubai Islamic Bank?

12 A. No.

13 Q. Do you have a secretary or other
14 staff at the bank?

15 A. Yes, I have. When we go to have
16 a meeting, we have Secretariat to prepare the
17 cases, and when we go we have a place to sit and
18 to meet with the members of the Shariah Board. We
19 have whole arranged office to meet.

20 Q. Based on your service with the
21 Shariah Board of the Dubai Islamic Bank since
22 1998, do you have a basic understanding of the
23 history of the bank and its organizational
24 structure?

25 A. Yes, I know the objective of the

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2 bank and I know something about how the bank
3 functions. But of course the interior management,
4 administration, I am not familiar. I am not
5 involved with in the management day-to-day care or
6 management of the bank.

7 Q. To ask a somewhat obvious question,
8 is Dubai Islamic Bank organized as an Islamic
9 bank?

10 A. Yes.

11 Q. Given that structure, does Dubai
12 Islamic Bank have a requirement to comply with
13 shariah?

14 A. Yes.

15 Q. Is it the ultimate responsibility of
16 the Fatwa and Shariah Oversight Board to determine
17 if the bank is complying with shariah?

18 A. The role of the -- I may explain it
19 like that. Any transaction, any activities,
20 agreements, contracts, to be shariah compliant, it
21 should be consistent with Islamic law, and this is
22 the role of the Shariah Board. Should be legally
23 valid and enforceable, the contract, and this is
24 the legal department of the bank. Should be
25 commercially viable, which means profitable,

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2 viable, and this is the management of the bank,
3 risk analyses, risk -- and the other. The role of
4 the Shariah Board is to look to the cases
5 submitted to it, referred to it, to give shariah
6 opinion, if it is shariah compliant or not, and to
7 give advice accordingly. It means the cases which
8 are submitted, referred, sent to Shariah Board.
9 This is our agenda and we look to that agenda and
10 we decide about it.

11 Q. Does the Fatwa and Shariah Oversight
12 Board police day-to-day activities and
13 transactions at the bank?

14 A. No.

15 Q. Does the Fatwa and Shariah Oversight
16 Board concern itself only with matters that come
17 to its attention?

18 A. Yes.

19 Q. Is there someone at the bank who is
20 responsible, on a day-to-day basis, for
21 implementing shariah compliance in the bank's
22 activities?

23 A. This is the management itself. They
24 are responsible to implement -- to execute cases
25 according to shariah principles. This is the

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2 legal department to look into these cases, but it
3 is not the role of the Shariah Board to look into
4 day-to-day cases.

5 Q. In connection with your service as
6 a member of the Shariah Board at Dubai Islamic
7 Bank, have you reviewed any of Dubai Islamic
8 Bank's foundational documents?

9 A. Again?

10 Q. Have you reviewed any of the
11 documents through which Dubai Islamic Bank was
12 created?

13 A. Created? No. No.

14 (Exhibit Exhibit 5 marked for identification)

15 MR. CARTER: Dr. Hassan, we have marked
16 as Exhibit 5 a document that Dubai Islamic Bank
17 has filed in the litigation that is pending in New
18 York. I understand it to be the Royal decree
19 through which Dubai Islamic Bank was established,
20 along with the Memorandum of Association and
21 Articles of Association governing its
22 establishment. Before you go through and begin
23 reading the entire document, do you know whether
24 these are materials you have reviewed previously?

25 MR. COTTREAU: If I could, Dr. Hassan,

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2 my apologies. So we can avoid this issue in the
3 future, if it is something that he has seen for
4 preparation, in connection with today, because
5 I showed it to him, we are going to obviously
6 assert attorney/client privilege and work product
7 in connection with you obtaining a full selection
8 of the documents that we showed to him. So maybe
9 it would just be easier saying "prior to your
10 preparation for today have you seen this" or
11 exclude from the answer --

12 MR. HAEFELE: I think he is allowed to
13 ask if he has seen it in preparation. He may not
14 be able to ask what you showed him, but he is
15 certainly allowed to know whether he saw it in
16 preparation.

17 MR. COTTREAU: I am happy to go through
18 the whole kabuki dance of passing the privilege
19 here. My preference would be -- I don't think it
20 is really material to your questions. If we can
21 try to avoid in the question --

22 MR. CARTER: I don't think it is
23 a problem today, at least in the context we are
24 talking. Let me clarify.

25 A. What do you mean?

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2 MR. COTTREAU: Wait for the question.

3 He is going to rephrase it.

4 MR. CARTER: Dr. Hassan, outside of any
5 documents you may have reviewed in preparation for
6 coming here today, do you recall having prior to
7 that ever reviewed the materials that are marked
8 as Exhibit 5?

9 A. Yes.

10 Q. In what context did you review those
11 materials?

12 A. Because when I joined I wanted to
13 know the Articles of Association, to know the role
14 and the function of Shariah Board, one, two,
15 three, four, to know my jurisdiction, what are my
16 duties, and this is in the Articles of
17 Association, because these Articles has a chapter
18 for Shariah Board, and the function, duties of the
19 Shariah Board. Then I came through this, long
20 time back, but I was not party to these documents
21 to prepare it or to take it to the authority to
22 get it approved, I was not, because I came later.
23 It was a bank established 1975, and I joined 1998.
24 But to know my own duties, I should go through
25 this to know the chapter from Article 22 to some

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2 Article -- this is the Board of Shariah Board's
3 functions, duties. Then I came through these
4 documents.

5 Q. Just to clarify, you recall having
6 reviewed these documents around the time you
7 joined the Shariah Board in 1998 or so?

8 A. I came to at that time, because this
9 maybe changed from time to time, changed from time
10 to time, but I am acquainted with the Articles of
11 Association and the Memorandum of Association at
12 1989. After that, I was not following.

13 Q. I think you may have just misstated
14 a date inadvertently, Dr. Hassan. You just
15 mentioned that you were familiar with it as of
16 1989. Did you mean to say 1998, when you joined
17 the Shariah Board?

18 A. 98, yes. Yes.

19 Q. Do you happen know when Dubai
20 Islamic Bank was established?

21 A. 1975.

22 Q. And where is it headquartered today?

23 A. Excuse me?

24 Q. Where is it headquartered?

25 A. In Dubai.

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Q. And in what country is Dubai located?

A. Excuse me?

Q. In what country is Dubai located?

A. In UAE, United Arab Emirates.

Q. Do you know what the corporate structure of Dubai Islamic Bank is?

A. Excuse me, what do you mean by "corporate structure"?

Q. Is it a publicly traded company?

A. Yes, public traded company, yes.

Q. Does it issue stock?

A. Stock company.

Q. On what exchange is it listed?

A. What exchange? In Dubai financial market, and others.

Q. Do you happen to know who the largest shareholder in Dubai Islamic Bank is at this time?

A. I don't know.

Q. Do you happen to know whether the Government of the United Arab Emirates holds a significant interest in the bank?

A. Yes, I know.

1 DR. HUSSEIN HAMID HASSAN

2 Q. Do you have any idea what that
3 interest is?

4 A. Maybe 30 percent, maybe. Maybe 30
5 percent. Of course, every day in the financial
6 market, selling/buying, maybe they buy more, they
7 sell, I don't know.

8 Q. Do you happen to know what the total
9 market capitalization of Dubai Islamic Bank is
10 approximately today?

11 A. No.

12 Q. Would you agree that given the
13 Government of the United Arab Emirates substantial
14 equity interest in Dubai Islamic Bank, the country
15 has an interest in the fortunes of the bank?

16 A. Again, please?

17 Q. Would you agree that given the
18 Government of the United Arab Emirates'
19 substantial equity interest in Dubai Islamic Bank,
20 it has an interest in the fortunes of the bank?

21 MR. COTTREAU: Objection, misstates
22 prior testimony as to the ownership.

23 A. I assume this.

24 Q. Do you happen to know whether the
25 Government of the United Arab Emirates increased

1 DR. HUSSEIN HAMID HASSAN

2 its ownership interest in Dubai Islamic Bank
3 substantially in 1998?

4 A. No.

5 Q. Have you ever received information
6 indicating that Dubai Islamic Bank suffered
7 a significant fraud that was discovered some time
8 around 1998?

9 A. Yes, I know.

10 Q. Do you know what the nature of that
11 fraud was?

12 A. No. I didn't know the details.

13 Q. Do you have any general idea?

14 A. General idea that the COO of the
15 bank, management of the bank, COO has been
16 deceived by some African people, and they took
17 some money. That is all. Details I didn't know.

18 Q. But it is your understanding that it
19 was the COO who was deceived?

20 MR. COTTREAU: Objection, misstates
21 prior testimony.

22 Q. Do you know who was deceived at the
23 bank?

24 A. No. Maybe the management, maybe the
25 COO.

1 DR. HUSSEIN HAMID HASSAN

2 Q. Do you know for sure?

3 A. For sure, I don't know.

4 Q. Do you know who would know who at
5 the bank was deceived by these other parties?

6 A. I think the management and the legal
7 department of the bank.

8 Q. Did this event result in a loss of
9 money by Dubai Islamic Bank, as you understand it?

10 A. As I understand, because I heard it
11 is a lot of money.

12 Q. Did anyone ever give you an estimate
13 of how much money was lost?

14 A. Exactly, no.

15 Q. Did anyone ever provide you any
16 details with Dubai Islamic Bank's investigation of
17 that loss?

18 A. In details, no.

19 Q. Did you ever attend any meetings
20 during which it was discussed?

21 A. No.

22 Q. Do you know what department of Dubai
23 Islamic Bank led the investigation into those
24 events?

25 A. Again, please?

1 DR. HUSSEIN HAMID HASSAN

2 Q. Do you happen to know what
3 department or body within Dubai Islamic Bank led
4 the investigation into those events?

5 A. Yes, I know, legal department and
6 outside lawyers.

7 Q. Do you know the names of any people
8 in the legal department in particular who were
9 involved in that activity?

10 A. No.

11 Q. Do you know the names of the outside
12 lawyers who were involved in that investigation?

13 A. I came to know now.

14 Q. Did you just come to learn this
15 information recently?

16 A. Again?

17 Q. Did you just come to learn the names
18 of the outside lawyers recently?

19 A. Recently, yes.

20 Q. So at the time the investigation was
21 ongoing, you had no contemporaneous knowledge of
22 what those lawyers were doing?

23 A. Yes, I haven't.

24 Q. And contemporaneous with the time
25 that investigation was going on, you were not

1 DR. HUSSEIN HAMID HASSAN

2 being briefed on what those lawyers were doing?

3 A. All what I know, that some lawyers
4 has been engaged in the case.

5 Q. And did the Shariah Board ask to
6 receive any formal briefing of that investigation?

7 A. No, no. No. No.

8 Q. Do you recall whether it was ever
9 discussed at any of the Shariah Board meetings?

10 A. No.

11 Q. During the time that investigation
12 was ongoing, did you ever attend any meetings of
13 the Board of Directors?

14 A. No.

15 Q. During the time that investigation
16 was ongoing, did you ever attend any meetings of
17 any executive committee of the bank?

18 A. No.

19 Q. Turning for a moment to Exhibit 5,
20 Dr. Hassan, I would like to walk through this
21 document to try and get an understanding of the
22 management structure of Dubai Islamic Bank.

23 A. Um hum.

24 Q. Does Dubai Islamic Bank have a Board
25 of Directors?

1 DR. HUSSEIN HAMID HASSAN

2 A. Yes.

3 Q. Do you have an understanding of the
4 responsibilities of the Board of Directors?

5 A. I know it from the Articles of
6 Association.

7 Q. And from the Articles of
8 Association, what do you understand to be the
9 responsibilities of the Board of Directors?

10 A. That the General Assembly has
11 selected a Board of Directors to run the bank,
12 according to shariah. This is what I know. And
13 the Board of Directors will appoint the executive,
14 who will execute the functions.

15 Q. And the provision of the Articles of
16 Association that provides for the establishment of
17 the Board of Directors, is that Section 6, Article
18 30, which would be if you look at the top of that
19 document --

20 A. Which article?

21 Q. It is Section 6, Article 30.

22 A. 6?

23 Q. And it would be on what is marked at
24 the top header, page 34 of 59.

25 MR. COTTREAU: Can you restate your

1 DR. HUSSEIN HAMID HASSAN

2 question now that there is three questions in the
3 last colloquy, just so that I can form a proper
4 objection to it.

5 Q. Dr. Hassan, you mentioned to me
6 a moment ago that you understood from the Articles
7 of Association that Dubai Islamic Bank has a Board
8 of Directors. What provision of the Articles of
9 Association provides for the establishment of the
10 Board of Directors?

11 MR. COTTREAU: Objection, lacks
12 foundation.

13 A. Article 30.

14 Q. If I can draw your attention to
15 Article 34, on the next page, it references an
16 Executive Committee. To your knowledge, does
17 Dubai Islamic Bank currently have an Executive
18 Committee?

19 A. Yes, I know that they have an
20 Executive Committee.

21 Q. Do you have an understanding of the
22 functions and duties of the Executive Committee?

23 A. No. The Executive Committee is
24 delegated by the Board of Directors. From time to
25 time, Board of Directors delegates some of it

1 DR. HUSSEIN HAMID HASSAN

2 functions to this Executive Committee.

3 Q. Did these Articles of Association
4 include provisions relating to the Fatwa and
5 Shariah Oversight Board?

6 A. Yes.

7 Q. Do you have an understanding of the
8 provisions that relate to the Fatwa and Shariah
9 Oversight Board?

10 A. Article 77.

11 Q. Are there other provisions of these
12 Articles of Association that describe the
13 functions and responsibilities of the Fatwa and
14 Shariah Oversight Board?

15 MR. COTTREAU: Objection, vague.

16 A. This is the provisions relating to
17 the Shariah Board.

18 Q. I will draw your attention to
19 Article 81 of the document. It states that:

20 "The Fatwa and Shariah Supervisory Board shall
21 supervise all shariah aspects of the company, and shall have
22 the right to verify compliance of the company's transactions
23 with the provisions of and rules of shariah, and further may
24 object to any incompliant transaction, if any."

25 Do you see that?

1 DR. HUSSEIN HAMID HASSAN

2 A. Yes, I see it.

3 Q. Is that in fact a correct statement
4 of the powers and responsibilities of the Fatwa
5 and Shariah Board today, as you understand it?

6 A. Yes.

7 Q. And was it a correct statement of
8 the powers and duties of the Fatwa and Shariah
9 Oversight Board throughout the time that you
10 served on that Board?

11 A. Again?

12 Q. Has that statement been an accurate
13 statement of the powers and responsibilities of
14 the Fatwa and Shariah Oversight Board throughout
15 the time that you have served on the board?

16 A. Yes, it is accurate.

17 Q. I would like to turn your attention
18 next to Article 87.

19 A. Next?

20 Q. Article 87.

21 A. 87, yes.

22 Q. And it indicates that:

23 "The Fatwa and Shariah Supervisory Board shall
24 submit a comprehensive annual report to the Board of
25 Directors, summarizing the cases referred thereto and

1 DR. HUSSEIN HAMID HASSAN

2 opinions given, regarding the company's transactions
3 executed as per the applicable regulations and
4 instructions."

5 During your tenure serving on the Fatwa
6 and Shariah Oversight Board, has the Board in fact
7 submitted a comprehensive annual report?

8 A. Yes.

9 Q. And has that always been submitted
10 to the Board of Directors?

11 A. Always, every year.

12 Q. And do you meet with the Board of
13 Directors to discuss that report?

14 A. No.

15 Q. Does the Fatwa and Shariah
16 Supervisory Board ever attend meetings of the
17 Board of Directors?

18 A. We haven't yet.

19 Q. Does the Dubai Islamic Bank hold
20 meetings of its General Assembly?

21 A. We attend General Assembly.

22 Q. Let me take a step back. I was
23 asking does the General Assembly in fact hold
24 meetings?

25 A. Yes.

1 DR. HUSSEIN HAMID HASSAN

2 Q. How often?

3 A. Yearly.

4 Q. Do I understand, from your prior
5 answer, that the members of the Fatwa and Shariah
6 Oversight Board attend those meetings?

7 A. Yes. Not necessarily me, any
8 member, any member, but either to read it myself,
9 the report, or to ask one member of the Shariah
10 Board to read it.

11 Q. Are other issues discussed at the
12 meetings of the General Assembly, beyond the
13 purview of the Fatwa and Shariah Oversight Board?

14 A. Because there are many items, and
15 this is one item of the agenda of the General
16 Assembly.

17 Q. Have you personally ever attended
18 meetings of the General Assembly?

19 A. Many times.

20 Q. When you attended those meetings did
21 you stay only for the portion of the meeting that
22 dealt with the responsibilities and report of the
23 Fatwa and Shariah Oversight Board or did you stay
24 for the entire meeting?

25 A. Sometimes I leave after I finish my

1 DR. HUSSEIN HAMID HASSAN

2 item, and sometimes, politely, I wait until the
3 meeting of the assembly finishes.

4 Q. I would like to take a step back and
5 draw your attention to section 8 -- I am sorry,
6 I am misreading -- Article 6, under section 3,
7 which would be on page 23 of 59 at the heading?

8 A. 23. Page 23. What articles?

9 Q. I am sorry, I am referring to a page
10 designation from the court filing that appears at
11 the top. It is on page 20 of the document, sorry.

12 A. 20. I have it.

13 Q. That provision provides that:

14 "The company shall, in all its banking and
15 investment activities, abide by the provisions of the
16 Islamic shariah, pursuant to what the Shariah Supervisory
17 Board establish."

18 Do you see that?

19 A. Yes.

20 Q. Do you understand that provision to
21 give the Shariah Oversight Board the ultimate
22 authority for determining whether activities are
23 compliant with Islamic law?

24 A. Within the cases referred to --
25 submitted to the Shariah Board.

1 DR. HUSSEIN HAMID HASSAN

2 Q. So to the extent something is
3 brought to the attention of the Shariah Board, it
4 is the Shariah Board's ultimate responsibility to
5 determine if those issues are in compliance with
6 Islamic law?

7 A. If it comes into the notice of the
8 Shariah Board.

9 Q. Can we mark this as Exhibit 6.
10 Steve, I only have one copy of this unfortunately.

11 (Exhibit Exhibit 6 marked for identification)

12 Dr. Hassan, we have marked a document that was
13 provided to us by Dubai Islamic Bank in discovery as Exhibit
14 6. I want to ask whether prior to any preparations you may
15 have undertaken for appearing for your deposition you recall
16 ever having seen that document before?

17 A. No.

18 Q. I am wondering if you can do me
19 a favor and turn to page 42 of that document.

20 MR. COTTREAU: It may be more useful if
21 you could prefer to the Bates page.

22 MR. CARTER: Sure. The Bates page is
23 002637.

24 A. The pages are many. What page. 42?
25 I don't have it. Please bear with me.

1 DR. HUSSEIN HAMID HASSAN

2 Q. If you look at the bottom of the
3 document, in the very corner, there should be in
4 the very right-hand bottom corner, there is what
5 we call --

6 A. No, right hand?

7 Q. That is the right hand at the
8 bottom. Do you see that designation "DIB" with
9 a series of numbers after it?

10 A. Yes.

11 Q. That is what we refer to as a Bates
12 number and I am going to ask you to see if you can
13 find 2637?

14 A. I have it.

15 Q. I just described to you that the
16 designation at the bottom is called a Bates
17 number.

18 A. Yes.

19 Q. Does it also have a page number in
20 the original document?

21 A. 42, in Arabic.

22 Q. Can you do me a favor and turn to
23 the next page, with the Bates label 2638?

24 A. Yes.

25 Q. And what is the page number on that?

1 DR. HUSSEIN HAMID HASSAN

2 A. 44, in Arabic written.

3 Q. I asked that question because I have
4 an English translation of the document that leads
5 me to believe that page 43 might be missing. So
6 in the Arabic document that you have, it goes from
7 page 42 to page 44, correct?

8 A. Um hum.

9 MR. CARTER: Steve, I am just going to
10 ask there be an undertaking to locate page 43 from
11 that document and provide that to us. It appears
12 to be missing in the version that was produced to
13 us.

14 I think the videographer needs to change
15 tape.

16 THE VIDEOGRAPHER: Thank you. This is
17 the end of media one of the video deposition of
18 Dr. Hussein Hamid Hassan. Going off the record at
19 10:47.

20 (A short break).

21 THE VIDEOGRAPHER: This is the beginning
22 of tape two in the video deposition of Dr. Hussein
23 Hamid Hassan. Going back on the record at 11:01.

24 MR. CARTER: Dr. Hassan, we marked
25 before we went off the record a document as

1 DR. HUSSEIN HAMID HASSAN

2 Exhibit 6. Am I correct that outside of any
3 preparations you may have undertaken for your
4 deposition today, you don't recall having
5 previously seen that document?

6 A. Again, please?

7 Q. Outside of any preparations you may
8 have undertaken for your testimony this week, am
9 I correct that you do not recall having previously
10 seen the document we have marked as Exhibit 6?

11 A. Yes, I have not seen it.

12 Q. If you go to the first page of that
13 document.

14 A. Yes.

15 Q. Sorry, the cover page.

16 A. Cover page. Yes.

17 Q. What is the title reflected on the
18 cover page?

19 A. The cover page says: "The Functions
20 and Duties of the Dubai Islamic Bank Departments."

21 Q. Is there a date on the cover page?

22 A. Yes, this.

23 Q. Sorry, is the document dated?

24 A. Is?

25 Q. Does the document have a date?

1 DR. HUSSEIN HAMID HASSAN

2 A. No date. No, it has, April 19,
3 1997.

4 Q. We can mark that 7 and 8.
5 (Exhibit Exhibit 7 marked for identification).
6 (Exhibit Exhibit 8 marked for identification)

7 MR. COTTREAU: Are you done with this
8 document?

9 MR. CARTER: For the time being I am
10 done with it, yes.

11 Dr. Hassan, we have marked as Exhibit 7
12 a section from that broader document that was
13 marked Exhibit 6, and in particular the pages
14 bearing Bates Stamp DIB002629 through 2638. We
15 have marked as Exhibit 8 an English translation of
16 that same section. I will give both of those to
17 you, and I have given a copy to your counsel as
18 well.

19 Dr. Hassan, you have now you had an
20 opportunity to review the document marked as
21 Exhibit 7. While I understand you testified that
22 you don't recall having seen the larger document
23 marked as Exhibit 6, at any point prior to your
24 preparations for coming here today, are the
25 documents marked as Exhibit 7 familiar to you?

1 DR. HUSSEIN HAMID HASSAN

2 A. I have not seen it before.

3 MR. COTTREAU: Just before you get into
4 it, to the extent you are going to get into it, in
5 Exhibit 8, we just want to have your agreement
6 that we reserve all rights to object to
7 translations of documents that you unilaterally
8 had prepared in depositions.

9 MR. CARTER: That is fine. I do think
10 we provided them in advance, if I recall.

11 MR. COTTREAU: I don't believe we have
12 received copies of translations of documents
13 but --

14 MR. CARTER: Okay, I apologize if that
15 is the case. I thought you had, but the
16 reservation of the objection is fine, and we have
17 included in the documents when we marked them as
18 exhibits the translator's certification as well.

19 Dr. Hassan, the document we have just
20 marked as Exhibit 7 and the English translation of
21 that document that we have marked as Exhibit 8, as
22 I understand it, is captioned "Shariah Oversight
23 Section". Is that correct?

24 A. Again?

25 Q. Is the caption on the front page of

1 DR. HUSSEIN HAMID HASSAN

2 Exhibit 7 "Shariah Oversight Section"?

3 A. You mean the title?

4 Q. The title?

5 A. The title is "Audit Department,
6 Shariah Audit Department." This is the title.
7 And this is some kind of article, an article.

8 Q. Do you have any reason to doubt that
9 Exhibit 6 is a document that was created by Dubai
10 Islamic Bank?

11 A. You mean this one?

12 Q. Yes.

13 A. Because I have not seen it, I have
14 not read it, it is bulky, I can say I know nothing
15 about it.

16 Q. Dr. Hassan, can you turn to
17 page 2637, using the Bates number as a reference,
18 in the English version.

19 A. 2637.

20 MR. COTTREAU: Dr. Hassan, you should
21 feel free to refer to the Arabic language
22 document, if you are equally comfortable, or more
23 comfortable I should say.

24 A. Yes, I have the English version.

25 Q. At the top of that there is a title:

1 DR. HUSSEIN HAMID HASSAN

2 "The Fatwa and Shariah Oversight Board in the
3 Dubai Islamic Bank". Do you see that?

4 A. Yes.

5 Q. Beneath that the document reads
6 that:

7 "The Board of Directors, according to Chapter 7 of
8 the Articles of Incorporation of the Bank, and in accordance
9 with the Central Bank, hereby forms this board from
10 specialized ulluma, whose task is to issue fatwas on all
11 matters presented before it by the administration from work
12 cases or new developments related to banking in the current
13 age, to verify that executive management of the bank works
14 in accordance with [there is then an illegible word to the
15 translator] and that the bank operations are conducted
16 according to shariah provisions, and to announce this to all
17 interested parties."

18 Does that description, in your mind, accurately
19 describe the functions of the Fatwa and Shariah Oversight
20 Board at Dubai Islamic Bank?

21 A. It is almost, almost the same, but
22 as I have stated, the Board is giving legal
23 shariah advice, opinion before what we call
24 a fatwa, and then to look to the auditory board in
25 its capacity as supervisory board. Almost -- let

1 DR. HUSSEIN HAMID HASSAN

2 me look to the Arabic also, just to make sure.

3 Yes, the statement is correct.

4 Q. Within that document, there is
5 a reference to the Secretariat of the Fatwa and
6 Shariah Oversight Board. Are you familiar with
7 the Secretariat of the Board?

8 A. Yes.

9 Q. What is the function of the
10 Secretariat of the Board?

11 A. To receive cases, contracts,
12 transactions from the different departments of the
13 bank, and to put it on the agenda of the meeting
14 of the Shariah Board, and to submit it to the
15 meeting, and then to take the decisions of the
16 Shariah Board on these cases and to convey it to
17 the concerned departments.

18 Q. Is that a full-time position?

19 A. Yes, it is.

20 Q. Who currently serves in that
21 position?

22 A. Again?

23 Q. Who currently serves as the
24 Secretariat of the Fatwa and Shariah Oversight
25 Board at Dubai Islamic Bank?

1 DR. HUSSEIN HAMID HASSAN

2 A. Before it was a member of the
3 Shariah Board who was acting as secretary, but now
4 in the Shariah Department they dedicated some
5 employees to take care of that, and sometimes
6 there are more than one, a team, because the work
7 is too much. Then they receive cases, they may
8 make some arrangements, typing, translating,
9 sometimes it comes in English, translating into
10 Arabic, because some members of the Shariah Board
11 don't know English. It is a great task now. It
12 is not only one member team. The team is working
13 for the Secretariat of the Shariah Board.

14 MR. COTTREAU: I don't want to interrupt
15 too much, obviously I want to let you conduct the
16 examination, and we will allow you to ask these
17 questions about current day practices of the
18 Shariah Board. Obviously we are going to stand by
19 our prior discussions with you about timeframe and
20 relevance in the litigation being September 11,
21 2001, and obviously there have been some
22 exceptions made by Judge Moss to that, but
23 otherwise I will let you continue.

24 MR. CARTER: That is fine. My next
25 question along those lines was do you happen to

1 DR. HUSSEIN HAMID HASSAN

2 recall who was serving as Secretariat between 1998
3 and 2001.

4 A. Again, the question?

5 Q. Do you happen to recall who was
6 serving as the Secretariat of Dubai Islamic Bank's
7 Fatwa and Shariah Board between 1998 and 2001?

8 A. Names, no, but the team in the
9 Shariah Department. They are a team. Their
10 names, I don't remember the names.

11 Q. Are any of the individuals who were
12 serving on the team, the Secretariat team between
13 1998 and 2001, still members of the Secretariat
14 team?

15 A. I think so. I think so.

16 Q. But you don't have a specific
17 recollection who?

18 A. No, I don't, I don't remember
19 exactly, but some employees full-time they work,
20 their contract terminates, and new employees of
21 the Shariah Department comes, often. I don't
22 think that one from that 1998 until now, for that
23 long period is still there.

24 Q. If I can turn your attention to the
25 page bearing Bates Stamp 2638.

1 DR. HUSSEIN HAMID HASSAN

2 A. 38, yes. 37.

3 Q. I think you have 2 pages stuck
4 together, Dr. Hassan.

5 A. 36, 37.

6 Q. I think 38 is stuck.

7 A. Yes, I have 38.

8 Q. If you can turn to that page.

9 A. This is 38, yes.

10 Q. In paragraph 9.

11 A. Yes.

12 Q. It says: "As a whole, Article 82 of
13 the Bank's Articles of Incorporation authorizes
14 the Board to examine at any time all bank ledgers
15 and records. The Board may demand any data it
16 deems necessary. It may also verify the Bank's
17 assets and liabilities." Do you see that?

18 A. Yes.

19 Q. Is it your understanding that the
20 Fatwa and Shariah Oversight Board has the
21 authority to demand any of the bank's ledgers and
22 records it deems necessary to perform its work?

23 A. Yes.

24 Q. Is it also your understanding that
25 the Fatwa and Shariah Oversight Board may demand

1 DR. HUSSEIN HAMID HASSAN

2 that the Board provide any data it deems necessary
3 to perform those functions?

4 A. Again?

5 Q. Is it also your understanding that
6 the Fatwa and Shariah Oversight Board may demand
7 that the Board of Directors provide any data that
8 the Fatwa and Shariah Board needs to perform its
9 work?

10 A. Yes.

11 Q. So if a matter comes to the
12 attention of the Fatwa and Shariah Oversight
13 Board, that the Board believes may present
14 a shariah compliance issue, the Fatwa and Shariah
15 Board can demand any information it needs to try
16 to address that problem?

17 A. Yes, if it is connected to the cases
18 before submitted to the Shariah Board.

19 Q. As a general matter, is the Fatwa
20 and Shariah Oversight Board, in your view, the
21 ultimate protector of the bank's compliance with
22 shariah for the matters that come to its
23 attention?

24 A. Within the cases referred, submitted
25 to the Shariah Board, the Board is giving the

1 DR. HUSSEIN HAMID HASSAN

2 shariah opinions and giving directions if there is
3 any observation for the shariah audit.

4 Q. Let's assume a matter comes to the
5 attention of the members of the Fatwa and Shariah
6 Board, not through a case brought to its attention
7 but rather through some sort of public
8 notification that raises concerns in the minds of
9 the Board. Do you believe that the Board has
10 a responsibility, in those circumstances, to try
11 to address those matters?

12 A. No. Only the cases which come to
13 the notice of the Shariah Board, cases,
14 transactions, agreements submitted referred to
15 Shariah Board, to give its shariah opinions.

16 Q. What if the Shariah Board finds out
17 that personnel within the bank are engaging in
18 violations of shariah, in connection with their
19 activities? Does the Shariah Board, in your view,
20 have no responsibility to try and correct those
21 problems?

22 A. If it comes to the notice of the
23 Shariah Board, Shariah Board should take action.

24 Q. On that same page, there is language
25 at the top indicating that "No member of the Board

1 DR. HUSSEIN HAMID HASSAN

2 may issue fatwas individually in his capacity as
3 a member of the Board, but may do so in his name".
4 Do you see that?

5 A. Yes.

6 Q. Is that a requirement that you
7 understand is imposed on members of the Dubai
8 Islamic Bank Shariah Board, in fact?

9 A. Again, please?

10 Q. This requirement that I just read,
11 is it currently in place and a limitation that is
12 adhered to?

13 A. What I mean, member of Shariah Board
14 is not allowed, is not permitted to issue his own
15 opinions, and to -- in the name of the Shariah
16 Board is not allowed at all, but only with the
17 Shariah Board, but his own individual fatwa or
18 opinion, he is not allowed to attribute it to the
19 Shariah Board.

20 Q. Do you know whether any member of
21 the Shariah Board has ever been removed by Dubai
22 Islamic Bank for a fatwa or opinion that he
23 expressed in his personal capacity?

24 A. No.

25 Q. During your tenure, has any member

1 DR. HUSSEIN HAMID HASSAN

2 of the Shariah Board ever been removed prior to
3 the end of his tenure, for some misconduct?

4 MR. COTTREAU: Objection, lacks
5 foundation.

6 A. Some members, they resigned and left
7 the membership.

8 Q. Who resigned from the Shariah Board
9 and left its membership?

10 A. Ali Al Qaradaghi, Ajeel Jaseem Al
11 Nashmi.

12 Q. Do you know why they resigned and
13 left the Shariah Board?

14 A. No.

15 Q. Can you repeat more slowly the names
16 of those two individuals for the court reporter.

17 A. Dr. Ali Qaradaghi and Ajeel Jaseem
18 Al Nashmi?

19 Q. Do you recall when each of those
20 individuals resigned from the Shariah Board?

21 A. I don't remember exactly.

22 Q. Were you serving on the Shariah
23 Board when they resigned?

24 A. Yes, they resigned when I was
25 Chairman.

1 DR. HUSSEIN HAMID HASSAN

2 (Exhibit Exhibit 9 marked for identification)

3 (Exhibit Exhibit 10 marked for identification)

4 Q. Dr. Hassan, we have marked as the
5 next exhibit, Exhibit 9, a document that Dubai
6 Islamic Bank also produced to us in discovery, and
7 it bears Bates Stamp DIB2415 through 2418. We
8 have marked as Exhibit 10 a certified English
9 translation of that document. I would like to
10 show those to you. Take a moment to review the
11 Arabic version and let me know if you have seen
12 that document at any point prior to your
13 preparations for testifying this week.

14 MR. COTTREAU: Sean, the reference on
15 the last page of Exhibit 10, which is the
16 translator's statement, has a document title of
17 IRO. Is that meaningful in some way to us?

18 MR. CARTER: No. The translator's
19 statement that you are looking at actually
20 references two documents. The first that was
21 translated and sent in this batch was the DIB2415
22 through 2418, and then there is an additional
23 document IRO3236 that was also sent to us at the
24 same time.

25 MR. COTTREAU: Thank you.

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2 A. Generally, the information are
3 correct, although I have not prepared these
4 documents myself, I have not seen them, but the
5 content is correct.

6 Q. Just to clarify Dr. Hassan, the
7 first page of the document includes the title
8 "Fatwa and Shariah Oversight Board", and below
9 that there is a sub-heading "Fatwa Board", and on
10 the second page there is a sub-heading "Shariah
11 Oversight". Do I understand you to be telling us
12 that the information under the heading "Fatwa
13 Board" and under "Shariah Oversight" is accurate?

14 A. What number, please?

15 Q. The information on page 2415, under
16 the heading "Fatwa Board", does that accurately
17 describe the duties and functions of Dubai Islamic
18 Bank's Fatwa Board?

19 A. What number of this?

20 Q. The entire page, numbers 1 through
21 8?

22 A. 1 to?

23 Q. 1 through 8?

24 A. 1 to 8, yes.

25 MR. COTTREAU: Again, I will just note

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2 an error in the translation, I believe, in that it
3 numbers the paragraphs 1 through 8 but repeats the
4 number 2. I believe the accurate translation is 1
5 through 9, but again we will reserve on all
6 translation issues our objections.

7 MR. CARTER: Okay, thank you.

8 A. Yes.

9 Q. Does the information on page 2415
10 accurately describe the duties and functions of
11 Dubai Islamic Bank's Fatwa Board?

12 A. Yes.

13 Q. On the next page, 2416, there is
14 a heading for "Shariah Oversight". Is that
15 a distinct body from the Fatwa Board?

16 A. The same page? 2416?

17 Q. 2416?

18 A. And item number.

19 Q. At the top it refers to "Shariah
20 Oversight".

21 A. "Review and audit".

22 Q. Correct.

23 A. "Review and audit".

24 Q. Are the shariah oversight functions
25 that are described on page 2416 responsibilities

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2 of the Fatwa and Shariah Oversight Board at Dubai
3 Islamic Bank?

4 MR. COTTREAU: Objection, vague.

5 I think he said "audit", and maybe it is the
6 translation issue for him, but I think he reads
7 the document as being entitled "Shariah Audit".

8 A. Yes, through the audit. Through the
9 audit.

10 Q. Are shariah audits conducted by
11 Dubai Islamic Bank?

12 A. Audit all fatwa and shariah opinions
13 issued by the Shariah Board to make sure that the
14 management has executed correctly.

15 Q. And who conducts that audit?

16 A. There is a department of audit with
17 the Shariah Department, and it reports to the
18 Shariah Board.

19 Q. Do you recall who was the head of
20 that department, between the years 1998 and 2001?

21 A. No, but I remember the existing one,
22 the one who is the head now, Hamid Hakel.

23 Q. Does that department produce reports
24 that it submits to the Shariah Board?

25 A. Yes.

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2 Q. How often does it submit reports?

3 A. Quarterly most of the time, but
4 sometimes they are late. Every six months,
5 sometimes by the end of the year.

6 Q. Do they produce annual reports as
7 well?

8 A. No. This could serve to be covering
9 the whole year. The fatwas which are issued by
10 the Shariah Board, they should go to the
11 management, to the departments, to know if the
12 department concerned has executed the fatwa in the
13 correct way, or there is some deviation, and then
14 they report it back to the Shariah Board.

15 Q. Does the auditing body have any
16 responsibility with regard to the auditing of
17 zakat contributions?

18 A. Yes.

19 Q. What are zakat contributions?

20 A. The audit should make sure that the
21 zakat has been taken and given to the department
22 of the bank, and it was distributed to the
23 charitable organizations controlled by the
24 Government of Dubai.

25 Q. Even more basically, can you explain

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2 to me what the concept of zakat is?

3 A. Zakat is a taxation, two and a half
4 percent of the principal plus the profit paid
5 every year for every Muslim. It is a pillar of
6 Islam, obligation for every individual Muslim. It
7 is enforced on individuals, not on entities, legal
8 entities, but in the case of the Dubai Islamic
9 Bank, the shareholders and their byelaws and their
10 assembly, they authorized the company, the bank,
11 to pay part of their zakat on their behalf, on
12 their behalf. The shareholders are still paying
13 the zakat of their capital and they authorized the
14 bank to pay zakat for the retained profit invested
15 by the bank.

16 Q. What about customers of the bank who
17 are not shareholders? Can they elect to have
18 Dubai Islamic Bank manage their zakat obligations?

19 A. Voluntarily, if they want, but
20 practically, to my knowledge, it is not. People
21 are not even their own zakat -- they escape from
22 zakat.

23 Q. The audit report that you receive
24 concerning the bank's shariah compliance, does it
25 include a section on the zakat?

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2 A. Again, please?

3 Q. Do the shariah audit reports that
4 the Fatwa and Shariah Oversight Board receive
5 include a section on zakat?

6 A. In the audit, yes.

7 Q. Does that section identify the
8 organizations that have received contributions?

9 A. Sometimes, yes, give the names of
10 the organization, the name of the organizations
11 which are entrusted with the distribution, but the
12 bank itself is not dealing with individuals. The
13 bank takes zakat and gives it to the charitable
14 organizations under the Government control.

15 Q. Am I understanding you to be telling
16 me that the Dubai Islamic Bank gives zakat
17 contributions only to organizations that are under
18 the control of the UAE Government?

19 MR. COTTREAU: Objection, lacks
20 foundation.

21 A. This is what happened in the last
22 3 years. At the early inception of the bank, they
23 used to have a committee of the bank from the
24 management to distribute zakat to some
25 organizations and to some well known individuals

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2 to this committee after investigating their
3 situation, send some delegate to their homes to
4 investigate that they are needy, they are poor.

5 Q. In your role as the Chair of the
6 Fatwa and Shariah Oversight Board at Dubai Islamic
7 Bank, have you ever been involved in any way in
8 selecting recipients of zakat contributions?

9 A. Never.

10 Q. Have you ever advocated on behalf of
11 any organization that it should receive zakat?

12 A. Never.

13 Q. Between the period 1998 and 2001
14 what body within Dubai Islamic Bank would have
15 been responsible for selecting recipients of zakat
16 contributions?

17 A. They have a separate entity to deal
18 with that, separate entity owned by Dubai Islamic
19 Bank, a department involved in this, and it is
20 calculating, receiving and then distributing
21 zakat, only charitable organizations.

22 Q. Do you recall the name of that body
23 that was responsible for that activity between
24 1998 and 2001?

25 A. I don't remember the name of the

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2 organization or how they called it. It is like in
3 shape of a charitable organization. I don't
4 remember the name, how they called it, what name.

5 (Exhibit Exhibit 11 marked for identification).

6 (Exhibit Exhibit 12 marked for identification)

7 (Exhibit Exhibit 13 marked for identification)

8 Q. Dr. Hassan, I have just marked as
9 Exhibit 11, a July 7, 1999 New York Times article,
10 as Exhibit 12 a July 8, 1999 Associated Press
11 article, and as Exhibit 13, a July 8, 1999
12 transcript of a US State Department briefing.

13 I would like to hand all three of these to you and
14 ask you to tell me whether at any point, prior to
15 beginning your preparations for your testimony
16 this week, you have seen any of those documents?

17 A. Prior to this preparation I have not
18 seen. I have not read these articles. Lexis
19 Nexis, and this also I have not seen.

20 Q. I would like to draw your attention
21 to the document we marked as Exhibit 11, which is
22 the New York Times article, dated July 7, 1999,
23 which bears the title "US officials say aid for
24 terrorists came through two Persian Gulf nations".
25 Do you see that document?

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2 A. Yes.

3 Q. In the fourth paragraph of that
4 article, the authors indicate and report that:
5 "The Central Intelligence Agency has obtained
6 evidence that Mr. Bin Laden [referring to
7 Osama Bin Laden] has been allowed to funnel money
8 through the Islamic Bank in Dubai Islamic Bank
9 which the UAE effectively controls". Do you see
10 that section? It is the fourth paragraph on the
11 front page. The front page?

12 A. Front? This one.

13 Q. Yes, the fourth paragraph?

14 A. Yes, but this document I have not
15 seen before.

16 Q. I want to ask you a question about
17 the content of the document, independent of
18 whether you have seen it?

19 A. Yes.

20 Q. So I just read a section of the
21 document that reports that the Central
22 Intelligence Agency has obtained evidence that
23 Mr. Bin Laden has been allowed to funnel money
24 through the Dubai Islamic Bank in Dubai, which the
25 United Arab Emirates Government effectively

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2 controls. Separate and apart from whether you
3 have ever seen this news report before, did you
4 receive information, in or around 1999, indicating
5 that there had been reporting that the CIA had
6 evidence that Bin Laden had used Dubai Islamic
7 Bank to funnel money?

8 A. No.

9 Q. Were you aware of that allegation at
10 all, in or around the period 1999?

11 A. No.

12 Q. The article also suggests that US
13 officials had visited the UAE in July 1999 to
14 discuss these issues with officials there. Did
15 you receive any information of that nature, in or
16 around 1999?

17 A. No.

18 Q. At any point, again prior to
19 preparing for the deposition here today, did you
20 ever receive information suggesting that the
21 Central Intelligence Agency had evidence that
22 Osama Bin Laden had used the Dubai Islamic Bank to
23 funnel money?

24 A. No. Had I known, had I known or any
25 information, I would have taken action, of course.

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2 Q. Had you received this information,
3 why would you have taken action?

4 A. Had I received such information at
5 that time, I would have taken some action.

6 Q. I am just trying to understand why
7 this reporting would have prompted you to take
8 some action? What about the nature of this
9 reporting?

10 A. No, I mean if it came to my notice
11 that such allegation or such article was there,
12 I should have asked the bank to take action,
13 I mean to deal with -- to ask the legal department
14 to defend itself, but I didn't know anything about
15 this case, I mean this article.

16 Q. To the extent that it were true,
17 that Osama Bin Laden was being permitted to use
18 Dubai Islamic Bank to funnel money during this
19 time period, would you have regarded that, had you
20 known about the allegation, to be inconsistent
21 with the bank's shariah obligations?

22 A. Yes, it is like that. Had it come
23 to my notice -- because I am against terrorism all
24 my life, I dedicated my life, all my life to this
25 mission, and this is known for everybody, all my

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2 writings, my articles, my everything, would I have
3 some information about that, I would have advised
4 the bank, but I didn't know anything about this.

5 Q. In that time period, around July
6 1999, did you know who Osama Bin Laden was?

7 A. I had heard from media, but later,
8 after maybe 1980/1985, something like that, the
9 name of Osama Bin Laden was known to everybody in
10 the world. This information, that much came to
11 me.

12 Q. In or around July 1999, were you
13 aware from the media of reporting that Osama Bin
14 Laden was engaged in terrorist activity.

15 A. Yes.

16 Q. From what you understood about
17 Osama Bin Laden's terrorist activity, from the
18 media reporting in that time period, would you
19 regard his activities as being incompatible with
20 Islam?

21 A. Again?

22 Q. Based on what you understood
23 Osama Bin Laden was doing in this time period,
24 around 1999, would you regard his terrorist
25 activity as being incompatible with Islam?

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2 A. Of course, against not only Islam,
3 but holy Jesus.

4 Q. And to the extent that someone at
5 Dubai Islamic Bank had been helping Osama Bin
6 Laden in those endeavors, would you regard that to
7 be a grave violation of shariah?

8 A. Of course.

9 Q. Given that an allegation of this
10 nature was made in the New York Times, are you
11 surprised that no one within the Dubai Islamic
12 Bank management raised it to your attention?

13 A. No, I am not astonished, because
14 they are supposed to refer to the legal
15 department, to the management, not to the Shariah
16 Board. The Shariah Board is supposed to deal with
17 the financial transactions, agreements, the legal
18 shariah opinions.

19 Q. Do you know, outside of any
20 preparations you have undertaken for your
21 testimony this week, whether Dubai Islamic Bank
22 conducted an investigation into these allegations?

23 A. Yes, I heard that the Dubai Islamic
24 Bank management and the legal department, they
25 have engaged outside lawyers to deal with this

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2 case.

3 Q. Do you have any personal knowledge
4 of that investigation?

5 A. No.

6 Q. When did you learn that Dubai
7 Islamic Bank had engaged lawyers and other parties
8 to investigate this allegation?

9 A. A few years back, maybe 3 or
10 4 years, I came to know that this case is dealt
11 with, and it is going to go on, but I am not
12 familiar with details.

13 Q. Do you know who at the bank would
14 have the most information about any
15 contemporaneous investigation that was conducted
16 by Dubai Islamic Bank into these allegations?

17 A. No, I don't know that.

18 Q. Have you at any point spoken with
19 any other members of the Fatwa and Shariah
20 Oversight Board about these allegations?

21 A. About?

22 Q. The allegations contained in the New
23 York Times story?

24 A. No.

25 Q. Do you know whether any of the

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2 individuals serving on the Fatwa and Shariah
3 Oversight Board in 1999, other than yourself, were
4 aware of this information?

5 A. No, I am not sure. They may have,
6 from their own sources.

7 Q. To the extent that the other members
8 had received this information, do you believe that
9 in their capacity as members of the Shariah Board
10 they should have taken some action?

11 A. Yes, I presume.

12 Q. And what action would you have
13 deemed appropriate?

14 A. To inform the bank and to advise the
15 bank to defend itself.

16 Q. What about advising the bank to try
17 and verify whether the reports were accurate.
18 Would you advise them to do that?

19 A. Again, please?

20 Q. In addition to the bank defending
21 itself, had you received this information at the
22 time, would you have asked that efforts be
23 undertaken to verify whether the allegations were
24 true?

25 A. I think, had it come to our notice,

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2 then we want to make sure from the bank if they
3 are taking care of that, of the case, through
4 their own specialized departments.

5 Q. If you turn your attention to the
6 second page of the New York Times report --

7 A. This one?

8 Q. Yes, the second page, and the fourth
9 paragraph down.

10 A. Yes.

11 Q. It reads:

12 "United States intelligence officials said they
13 had evidence that Mr. Bin Laden had a relationship with the
14 bank, which they believed had been arranged with the
15 approval of the officials who control the bank."

16 Do you see that?

17 A. Yes.

18 Q. Had you received that information
19 in July 1999, would you have had any concerns
20 about deferring to the bank's management to
21 investigate the accuracy of the allegations, given
22 the statement that the people who controlled the
23 bank were alleged to have been involved?

24 A. Of course, as I said, I haven't
25 received this information, but had I received it

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2 I would have asked the bank for sure to carry
3 investigation through their own departments,
4 concerned departments. That is legal department.

5 Q. You have had a very impressive
6 career, advising foreign governments and working
7 in Islamic banking at the highest levels. Do you,
8 as a result of that, have regular contact with
9 officials in the United Arab Emirates, Government
10 officials?

11 A. No.

12 Q. Do you ever have any dealings with
13 finance ministers in the United Arab Emirates?

14 A. No.

15 Q. Were you friendly with any
16 representatives of the UAE Government, in or
17 around this time period?

18 A. Occasionally, if there is any kind
19 of business, we are issuing, for example, bonds,
20 any financing, we are familiar with the concerned
21 officials, but not necessarily contacting at all.

22 MR. COTTREAU: Are you moving on to
23 a new exhibit?

24 MR. CARTER: We are.

25 MR. COTTREAU: Maybe we could take one

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2 last break for the day.

3 MR. CARTER: Sure.

4 THE VIDEOGRAPHER: Going off the record
5 at 11:57.

6 (A short break)

7 THE VIDEOGRAPHER: Back on the record at
8 12:08.

9 MR. CARTER: Dr. Hassan, we have marked
10 as Exhibit 14 a January 20, 2002 Los Angeles Times
11 article titled "Response to Terror".

12 (Exhibit Exhibit 14 marked for identification)

13 I am going to show that to you and as
14 I have asked you with some of the other documents,
15 just request that you let me know whether prior to
16 your preparations for testifying this week you
17 recall having seen that article?

18 A. I have not seen it.

19 Q. I would like to direct your
20 attention to page 8 of the article, and the Bates
21 Stamp number in the lower right-hand corner for
22 page 8, PEC-DIB IB001022. I will draw your
23 attention to the third full paragraph of this
24 article, which reads?

25 A. Starting from "The Emirates ... "?

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2 Q. Yes. It reads:

3 "The Emirates were quick to comply when the US
4 asked in 1998 that some Taliban accounts be closed at Dubai
5 Islamic Bank. The bank's Chairman, Mohammed Khalfan Bin
6 Kharbash is also the UAE minister for financial and
7 industrial affairs."

8 Do you see that section?

9 A. Um hum.

10 Q. Again, at any point prior to your
11 preparations for testifying this week, do you
12 recall information being communicated to you that
13 the UAE had closed Taliban accounts at Dubai
14 Islamic Bank?

15 A. No.

16 Q. Do you happen to know whether Dubai
17 Islamic Bank ever held any accounts for the
18 Taliban or officials of the Taliban?

19 A. No.

20 Q. To the extent you had received
21 information, following the date you joined the
22 Fatwa and Shariah Oversight Board, that Dubai
23 Islamic Bank was maintaining accounts and
24 providing financial services to the Taliban, would
25 you have taken any steps in response to that

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2 information?

3 A. We should have taken action, steps,
4 and asked the bank to investigate and advise the
5 bank to take legal action.

6 Q. Within this timeframe, were you
7 familiar with the Taliban in Afghanistan?

8 MR. COTTREAU: Objection, vague.

9 A. Yes, from the media, general
10 informations.

11 Q. Did you receive during that time
12 period any information through the media
13 concerning the Taliban's activities?

14 A. Occasional, general information from
15 media, newspapers, what they are doing.

16 Q. From that information, did you
17 believe that the Taliban was engaged in engaging
18 in activities that were inconsistent with Islamic
19 law?

20 A. I believe it.

21 Q. Given that belief, would you have
22 deemed it appropriate for Dubai Islamic Bank to
23 have been providing bank accounts or financial
24 services for the Taliban?

25 A. No, they should not.

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2 Q. And you don't know whether or not
3 there were in fact any Taliban accounts at Dubai
4 Islamic Bank?

5 A. I didn't know.

6 Q. Are you familiar with a person named
7 Amar Al Beluchi?

8 A. No.

9 Q. Do you happen to know whether again
10 prior to your preparations for testifying this
11 week, you ever received information indicating
12 that accounts at Dubai Islamic Bank had been used
13 to send money to certain of the 9/11 hijackers?

14 A. No.

15 Q. If you had received that
16 information, would you have taken any steps?

17 A. Of course, I should have taken.

18 Q. What steps would you have deemed
19 appropriate?

20 A. I would have asked the bank to
21 investigate first and then to close this account,
22 I mean to deal with the case according to the law
23 and shariah.

24 Q. Are you familiar with the systems in
25 the international financial system, through which

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2 accounts and financial transactions of certain
3 parties are blocked because they appear on
4 sanctions lists?

5 A. No, I am not familiar with the
6 details, but I know that there is some procedures.
7 The banks should know your customer, "KYC", before
8 they open an account, according to the prevailing
9 laws of the central bank.

10 Q. And does the Fatwa and Shariah
11 Oversight Board at Dubai Islamic Bank have any
12 involvement in complying with those know your
13 customer rules?

14 A. No.

15 Q. Does the Fatwa and Shariah Oversight
16 Board receive any kind of reports or information
17 relating to accounts that are blocked at the bank?

18 A. No.

19 Q. We spoke earlier in your testimony
20 about an individual named Abdullah Azzam. Do you
21 recall that?

22 A. Yes.

23 Q. Are you familiar with a book
24 Abdullah Azzam authored that is titled "Defense of
25 the Muslim Lands"?

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2 A. Again?

3 Q. Are you familiar with a book
4 authored by Abdullah Azzam titled "Defense of the
5 Muslim Lands"?

6 A. No.

7 (Exhibit Exhibit 15 marked for identification.)

8 Q. Dr. Hassan, I have marked as
9 Exhibit 15 what I understand to be an English
10 translation of a book entitled "Defense of the
11 Muslim Lands", written by Dr. Abdullah Azzam.

12 MR. COTTREAU: Mine is missing a
13 translator's certificate, I think.

14 MR. CARTER: I am sorry, it is an
15 English version that was purchased. It is
16 distributed in English as well.

17 MR. COTTREAU: Okay, thank you.

18 MR. CARTER: Am I correct that you have
19 never read this book?

20 A. I have never seen it, before
21 preparation.

22 Q. If you turn to the sixth page of the
23 book -- actually, sixth page of the exhibit,
24 including the cover page.

25 A. It has no numbers. No, numbers. 1,

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2, 3, 4, 5.

Q. That is the page. No, the prior page, sorry. In the first full paragraph there is a statement:

"I showed this fatwa, without the six questions at the end, to the peers of Sheikh Abdullah Al Waan, Saeed Hawa, Mohammed Najeeb Al Mutyey, Dr. Hassin Hamid Hissan and Umar Sayaf."

Do you see that?

A. Yes.

Q. Do you recall Abdullah Azzam ever sharing a fatwa of any kind with you?

A. Never.

Q. Do you know who any of the other scholars referenced there are, for instance, do you know Abdullah al Waan?

A. No, I don't know anyone of these figures.

Q. In the next sentence, there is a reference to Sheikh Mohammed Bin Salah Bin Uthaimin. Do you see that?

A. Yes, I see.

Q. Do you know who that is?

A. No. I don't know him.

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2 Q. On the prior page there is
3 a reference to Sheikh Abdul Aziz Bin Bazz?

4 A. Yes, I know him.

5 Q. Who was Bin Bazz?

6 A. He is Grand Mufti of Saudi Arabia.

7 Q. What is the Grand Mufti of Saudi
8 Arabia?

9 A. There is a position in Saudi Arabia
10 that the Grand Mufti is authorized officially to
11 give fatwa for the Government, and he has the
12 final authority in the shariah opinions.

13 Q. Is the Grand Mufti of Saudi Arabia
14 an Islamic scholar?

15 A. Yes.

16 Q. Do you recall when Bin Bazz served
17 as the Grand Mufti of Saudi Arabia?

18 A. I think 1960, 1960, 65. Anyhow, for
19 sure I know 1970 he was dead.

20 Q. He was dead in 1970?

21 A. Yes, I am sure about that.

22 Q. Were you familiar with his
23 teachings?

24 A. I met him several times but I am not
25 familiar with all his fatwa.

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2 Q. Do you have a recollection on how
3 many occasions you met him?

4 A. In the time of Haj, maybe two or
5 three times, because he lives in Trium and I lived
6 in Mecca. I used to see him only at the time of
7 Haj in Mecca, maybe two or three times.

8 Q. Did you discuss religious issues
9 with him?

10 A. No.

11 Q. Were you familiar enough with his
12 writings and teachings to develop any opinion on
13 his religious views?

14 A. Again?

15 Q. Were you familiar enough with his
16 writings and teaching to develop any opinion on
17 his religious views?

18 A. In my opinion, he was a Saudi
19 moderate scholar, in my opinion.

20 Q. Turning back for the moment to
21 Dr. Azzam, can you remind me when you believe he
22 was seconded to the International Islamic
23 University in Islamabad?

24 A. I recall, as I said before, it may
25 be 1986/87, around.

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2 Q. Do you have an understanding about
3 the nature of the political and security condition
4 in neighboring Afghanistan at that time?

5 A. From media, of course, we are aware
6 what is going on.

7 Q. And what was going on, as you
8 understood it, from the media?

9 A. Many, many groups, they were
10 fighting, many groups with many leaders fighting
11 there, and some from outside Afghanistan, some
12 Arabs, they joined some of these groups. This is
13 what we could understand from the neighboring
14 country.

15 Q. The Soviet Union was occupying
16 Afghanistan at that time, correct?

17 A. Yes.

18 Q. Did Arabs from outside Afghanistan
19 travel to Afghanistan to fight against the
20 Soviets?

21 A. Yes.

22 Q. Do you recall whether there were any
23 Muslim scholars calling for Muslim men to come to
24 Afghanistan to fight against the Soviets?

25 A. I don't remember.

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2 Q. Did you ever express any religious
3 views or issue any fatwas concerning what was
4 going on in Afghanistan at that time?

5 A. Never.

6 Q. Do you happen to know whether any
7 parties were recruiting young men from the
8 International Islamic University in Islamabad to
9 go fight in Afghanistan during that period?

10 A. No.

11 Q. Do you happen to know whether
12 Abdullah Azzam was advocating from his position at
13 the International Islamic University in Islamabad
14 for young men to go to Afghanistan to fight?

15 A. No, had I come to know, I would have
16 send him back to King Abdul Aziz University,
17 because everyone knows my own ideology, that I am
18 against anyone in my university to be involved
19 with any political activities at any time, but
20 what about if he is advocating some activities of
21 that kind, of violation.

22 Q. With regard to the reference in the
23 Azzam book, to an individual named Hussein Hamid
24 Hissan, do you happen to know whether there is any
25 other religious scholar who has that name?

1 DR. HUSSEIN HAMID HASSAN

2 A. I don't know, but it seems to me
3 this is not my name. My name is Hussein Hamid
4 Hassan H-A-S-S-A-N. I mean, because I have never
5 discussed with him. He has never shown me -- had
6 he shown me even this book, he wouldn't stay in
7 the university one day. He knows. He knows my
8 ideology, my thoughts.

9 Q. Did you at any point during that
10 time period hear that Azzam had gone to
11 Afghanistan to participate in the fight against
12 the Soviet Union?

13 A. No. Had I known, really, had
14 I known, I would have sent him back immediately,
15 because this is my attitude. This is the first
16 university in Pakistan, International Islamic
17 University, that the President of Pakistan was the
18 Chancellor and I was the Vice Chancellor. No
19 political activities at all, no violence. It was
20 an example. We wanted to be an example for the
21 others. Had I known such an individual like
22 Abdullah Azzam, that he has evil thoughts of that
23 kind, I would have just sent him back to his King
24 Abdul Aziz University.

25 Q. You mentioned a moment ago that you

1 DR. HUSSEIN HAMID HASSAN

2 understood from media reports at the time that men
3 from some Muslim countries were traveling to
4 Afghanistan to participate in the fight. Is that
5 correct?

6 A. Yes.

7 Q. Did you at any point issue any
8 papers or fatwas indicating that that was an
9 inappropriate thing for someone to do?

10 A. No, I haven't issued any fatwa or
11 any paper, because this was general informations.
12 I don't have any concrete information to accuse
13 anyone or to mention any country or any state, and
14 at the same time my position was very sensitive,
15 as Vice Chancellor and the President of Pakistan
16 is the Chancellor, just to accuse some countries
17 or individuals or organizations without -- I don't
18 have any concrete information. I am not
19 someone -- this is the Ministry of Interior
20 Affairs. It is not my position as a scholar.

21 Q. Let me rephrase the question.
22 During the years that you were affiliated with the
23 International Islamic University in Islamabad, did
24 the university have any affiliation with the
25 Muslim World League?

1 DR. HUSSEIN HAMID HASSAN

2 A. No.

3 Q. Do you recall whether the Government
4 of Saudi Arabia made any in kind contribution,
5 aside from sending scholars for the establishment
6 of the University?

7 A. No, but I would say that Saudi
8 Arabia was seconding teachers and also
9 constructing some buildings to the university,
10 some buildings, supervising directly, but I am not
11 aware of any cash assistance to this university.

12 Q. Do you recall whether Abdullah Omar
13 Nassif, who I believe you testified you had served
14 as an adviser to, held any positions at the
15 International Islamic University of Islamabad?

16 A. Yes, he was. One time, he had some
17 position as assistance director, something like
18 that. I don't remember exactly what was that, but
19 he was close to the President of Pakistan, as
20 Assistant or Deputy Rector of the University, for
21 some time.

22 Q. Was that a full-time --

23 A. And he was close to the university.

24 Q. Was that a full-time position for
25 Dr. Nassif?

1 DR. HUSSEIN HAMID HASSAN

2 A. Excuse me?

3 Q. The position you described, was that
4 a full-time position for Dr. Nassif?

5 A. Not full-time, no, honorary one.

6 Q. Do you know if he held that position
7 while he was also serving as the Secretary General
8 of the Muslim World League?

9 A. No, I don't know.

10 Q. Do you know whether he was employed
11 by the Muslim World League while he was serving as
12 an official of the International Islamic
13 University in Islamabad?

14 A. The ordinance of the University
15 states that the members of the Board of Trustees,
16 one of them, the Secretary General, were agreed by
17 office. It was by office, Secretary General of
18 this league, was a member of the Board of
19 trustees.

20 Q. Do I understand correctly that the
21 Charter of the International Islamic University of
22 Islamabad provided that the Secretary General of
23 the Muslim World League would serve on the Board
24 of Trustees of the University?

25 A. Member, yes. Yes.

1 DR. HUSSEIN HAMID HASSAN

2 Q. And was that true throughout the
3 time period that you served with the university?

4 A. No. For some time after that,
5 I think, he left the Muslim League and another one
6 came, took his position, and then Abdullah Nassif
7 no more, because he was member by his office, and
8 when he left the Muslim League and the new
9 Secretary of Muslim League became the member of
10 the Board of Trustees.

11 Q. Let me clarify what I was asking.
12 During the time that you were associated with the
13 International Islamic University in Islamabad, was
14 the then current Secretary General of the Muslim
15 World League always a member of the Board of
16 trustees?

17 A. Yes.

18 Q. Do you recall whether Abdullah Mosen
19 Al Turqi served in that capacity?

20 A. Yes.

21 Q. Was he a member of the Board of
22 Trustees by virtue of his status as the Secretary
23 General of the Muslim World League?

24 A. Yes.

25 Q. Do you happen to know whether the

1 DR. HUSSEIN HAMID HASSAN

2 Muslim World League provided any funding or in
3 kind contributions to the International Islamic
4 University in Islamabad?

5 A. They seconded a good number of
6 teachers to teach Arabic language to this
7 university.

8 Q. During the course of your career,
9 have you ever served in any formal or advisory
10 capacity to Al Rajhi Bank in Saudi Arabia?

11 A. Awadi?

12 Q. Al Rajhi?

13 A. No.

14 Q. Do you know individuals named
15 Sulaiman Al Rajhi or Saleh Al Rajhi?

16 A. I know.

17 Q. How do you know them?

18 A. I know that Bank Al Rajhi is owned
19 by Sulaiman. It is owned -- in our circles and in
20 financial institutions, his name is famous.

21 Q. But you have never worked with or
22 for him?

23 A. No, I never met, I never worked with
24 him.

25 Q. Did you ever work in any capacity

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2 for National Commercial Bank?

3 A. No.

4 Q. Do you know an individual named
5 Khalid Bin Mahfouz?

6 A. No.

7 Q. What about an individual named
8 Yassin Al-Qadi?

9 A. No, I don't know.

10 Q. What about an individual named Saleh
11 Kamel?

12 A. No, I don't know.

13 Q. During the time that you were at the
14 King Abdul Aziz University, did you know a student
15 named Mohammed Jamal Khalifa?

16 A. No.

17 Q. We spoke a few moments ago about the
18 Taliban. Did you ever have any dealings at all
19 with any officials of the Taliban?

20 A. No.

21 Q. Do you happen to know whether any
22 representatives of the governments of the UAE or
23 Dubai held positions within Dubai Islamic Bank in
24 the period between 1998 and 2001?

25 A. Again the question?

1 DR. HUSSEIN HAMID HASSAN

2 Q. Do you happen to know whether any
3 individuals who served as officials for either the
4 Government of the UAE or the Government of Dubai
5 also held positions in Dubai Islamic Bank between
6 1998 and 2001?

7 A. Yes. Yes. Minister of Finance,
8 Mohammed Khalfan bin Kharbash. He was the
9 Chairman of the Board of Directors.

10 Q. Did he also serve on the Executive
11 Committee during that time period?

12 A. Again?

13 Q. Given his position as the Chairman
14 of the Board of Directors, do you know whether he
15 also served on the Executive Committee?

16 A. No, I don't know. I don't know.

17 Q. Do you know an individual named
18 Saeed Lootah?

19 A. Yes.

20 Q. Who is Saeed Lootah?

21 A. Saeed Lootah is a businessman. He
22 for the first time established the Dubai Islamic
23 Bank, and his family, four or five of his family,
24 they were the shareholders of that bank. This is
25 Saeed Lootah.

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Q. Is he still a shareholder of the bank today?

A. Yes.

Q. Does he continue to hold any position in the bank?

A. No.

Q. Did he at any time that you are aware of hold any positions in the bank?

A. Again?

Q. At any time that you are aware of, did he hold any formal positions in the bank, in addition to being a shareholder?

A. Saeed Lootah.

Q. Yes.

A. No, no position. His son is there.

Q. Again, in between the period 1998 through 2001, do you know whether any members of the Lootah family were involved in the operations of Dubai Islamic Bank?

A. Really, I don't know.

Q. Just reviewing some of the issues we discussed earlier, concerning the functions of the Fatwa and Shariah Oversight Board, am I correct that the Fatwa and Shariah Oversight Board does

1 DR. HUSSEIN HAMID HASSAN

2 not monitor any day-to-day operations of the bank?

3 A. Yes, not at all involved in the
4 executive operations.

5 Q. Am I also correct that the Fatwa and
6 Shariah Oversight Board is not involved in
7 determining whether individual accounts should be
8 opened or closed?

9 A. Correct.

10 MR. CARTER: Steve, can we take a quick
11 break? I think we are going to let Bob ask some
12 follow up questions, just a few.

13 MR. COTTREAU: Okay.

14 THE VIDEOGRAPHER: This is the end of
15 tape two in the video deposition of Dr. Hussein
16 Hamid Hassan. Going off the record at 12:42.

17 (A short break)

18 THE VIDEOGRAPHER: This is the beginning
19 of tape three in the video deposition of
20 Dr. Hussein Hamid Hassan. Going back on the
21 record at 12:45.

22 EXAMINATION BY MR. COTTREAU:

23 MR. COTTREAU: Good afternoon,
24 Dr. Hassan.

25 A. Good afternoon.

1 DR. HUSSEIN HAMID HASSAN

2 Q. With the plaintiff's indulgence,
3 I just wanted to try to clarify a couple of dates
4 before they finish their questioning. I think
5 earlier in your testimony you said by 1980 or 1985
6 the whole world knew about Osama Bin Laden.

7 I want to make sure that we have the dates correct
8 because I know that you said you were not good
9 with dates. Is that the correct year or is there
10 some other year that you meant to say?

11 A. Again the question?

12 Q. Earlier in your testimony I believe
13 you said, at least according to the record, that
14 it was 1980 or 1985 that Osama Bin Laden was known
15 to the world. Is that the date you meant to say?

16 A. I meant 1985.

17 Q. I am sorry?

18 A. I said --

19 Q. 1985 or 1995?

20 A. 95.

21 Q. And then, I think you were talking
22 about just a few moments ago your knowledge of
23 Sheikh Abdul Aziz Bin Bass, the Grand Mufti of
24 Saudi Arabia, and I believe that you said on the
25 record that he had died by 1970.

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2 A. No.

3 Q. Is that accurate?

4 A. No, I meant I met him -- I am sure
5 he was Grand Mufti by that time, by 1970, but
6 I didn't know when he died.

7 MR. COTTREAU: Okay. I have nothing
8 else today, at least at this time.

9 FURTHER EXAMINATION BY MR. CARTER:

10 MR. CARTER: Just following up on one of
11 the questions Mr. Cottreau just asked you on
12 clarification, Dr. Hassan, had you ever heard the
13 name Osama Bin Laden before 1995?

14 A. No.

15 Q. Had you ever heard the name Bin
16 Laden before 1995?

17 A. No.

18 Q. I take it from that you were not
19 familiar with the Bin Laden family in Saudi
20 Arabia?

21 A. I heard about the family because
22 I lived in Saudi Arabia for some time, about the
23 family, but I didn't know the members of the
24 family.

25 Q. Do I understand that you don't

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recall ever having met a member of the Bin Laden family?

A. No.

Q. Do you know whether the family had a mosque in Saudi Arabia bearing its name?

A. Again, please.

Q. Was there, to your knowledge, a Bin Laden mosque in Saudi Arabia?

A. No.

Q. We spoke earlier about the shariah audits that are conducted at Dubai Islamic Bank. Do you recall that discussion?

A. Yes.

Q. Are there also more traditional financial audits conducted of the bank?

A. Yes.

Q. What types of audits of the bank are conducted that you are aware of?

A. Again?

Q. What types of financial audits are conducted of the bank that you are aware of?

A. Yes, the bank has two kinds of audit. One is financial audit, has nothing to do with shariah. It is from the financial aspect.

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2 And another, internal shariah audit, just to look
3 to the implementation, execution of the shariah
4 principles. It has nothing to do with financial
5 aspects.

6 Q. Does the Fatwa and Shariah Oversight
7 Board at Dubai Islamic Bank receive copies of the
8 financial audits?

9 A. No.

10 Q. Is the Fatwa and Shariah Oversight
11 Board responsible for certifying the bank's
12 balance sheet and financial statements?

13 A. We have to examine the statements,
14 the financial statements, by the end of the year.
15 Shariah Board used to receive the financial
16 statements and to approve it, to make sure that
17 the profit has been distributed between
18 shareholders and depositors according to shariah
19 principles.

20 Q. And is that the sole reason that you
21 review the financial statements?

22 A. Again?

23 Q. Is that the sole purpose of your
24 review of the financial statements?

25 A. Yes.

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2 Q. During the time that you have served
3 with Dubai Islamic Bank, and in particular between
4 1998 and 2001, have you ever received information
5 in that period indicating that the Central Bank of
6 the UAE was conducting audits of Dubai Islamic
7 Bank?

8 A. No.

9 Q. Have you ever received any audit
10 authored by the Central Bank of the UAE during
11 your tenure working for Dubai Islamic Bank?

12 A. No.

13 Q. During the time that you have served
14 as a member and Chair of the Fatwa and Shariah
15 Oversight Board at Dubai Islamic Bank, has any
16 issue relating to terrorism been brought to your
17 attention in that capacity?

18 A. No, and if I had it brought to my
19 you notice, we, as a Shariah Board will have taken
20 very strong position and steps and we should have
21 contacted the bank authority, the management and
22 asked them to enquire about it.

23 Q. During the time that you served on
24 the Fatwa and Shariah Oversight Board at Dubai
25 Islamic Bank, have you ever been asked to render

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2 a decision as to whether a party the bank was
3 considering doing business with was disreputable
4 or engaged in wrongful conduct?

5 A. Again, please.

6 Q. During the time you have served on
7 the Shariah Board at Dubai Islamic Bank, has the
8 bank ever been asked to voice an opinion about
9 whether a party that the bank was considering
10 doing business with was disreputable or engaged in
11 un-Islamic activity?

12 A. No.

13 Q. Have you, as a member of the Fatwa
14 and Shariah Oversight Board, ever issued an
15 opinion suggesting that the bank should stay away
16 from a particular proposed counterparty, because
17 you viewed it to be unprincipled?

18 A. No, we have not, because it is ipso
19 facto, bank is not supposed to be involved in
20 anything other than the business of banking.

21 Q. Just to make sure for the record
22 about a few of the issues we have discussed, am
23 I correct that you, as a member of the Fatwa and
24 Shariah Oversight Board, have had no involvement
25 in the day-to-day operations and functions of the

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bank?

A. Correct.

Q. And you don't receive, in that capacity, any reports concerning the day-to-day operations of the bank?

A. Correct.

Q. Am I also correct that you have no personal knowledge of any investigation that may have been conducted by Dubai Islamic Bank of the accusations in the 1999 New York Times report, that the bank had a relationship with Osama Bin Laden?

A. Correct.

Q. Am I also correct that you have no personal knowledge of any investigation that may have been conducted by Dubai Islamic Bank into any possible Taliban accounts at the bank?

A. Correct.

Q. Were there any instances where the Shariah Board undertook an action but that action was not brought to your attention?

A. Again?

Q. Have you ever encountered a circumstance in which the Shariah Board issued

1 DR. HUSSEIN HAMID HASSAN

2 a fatwa or undertook some similar action in which
3 you were not apprized of that action?

4 A. You mean the management is not
5 applying --

6 Q. I guess my question is --

7 A. Yes.

8 Q. -- have other members of the board
9 ever taken unilateral action without advising?

10 A. Excuse me?

11 Q. Let me ask it another way. To the
12 extent that another member of the Board is
13 responsible for preparing a first draft of
14 a fatwa, would that be presented to you?

15 A. I am very sorry, I didn't get it
16 also.

17 Q. There are how many members of the
18 Shariah Board at Dubai Islamic Bank?

19 A. Now?

20 Q. Currently?

21 A. Currently, there are six.

22 Q. During the period 1998 through 2001,
23 do you recall how many members of the Board there
24 were then?

25 A. There was four.

1 DR. HUSSEIN HAMID HASSAN

2 Q. During that time period, when the
3 board was asked to opine on an issue, was that
4 responsibility delegated to individual members of
5 the Board?

6 A. No.

7 Q. It is always done collectively?

8 A. Collectively, always.

9 Q. At some point, I take it that
10 a formal fatwa has to be issued on the matter
11 brought to the Board's attention?

12 A. Yes.

13 Q. And does one particular member of
14 the Board take responsibility for drafting that
15 following the Board's consultation?

16 A. No. It is not permitted.
17 Collectively.

18 Q. So do you sit in a room together and
19 write it together?

20 A. Yes.

21 Q. Were there any other issues that you
22 wanted to come forward and provide testimony about
23 concerning this case and that we have not
24 addressed today?

25 A. Again, please?

1 DR. HUSSEIN HAMID HASSAN

2 Q. Were there any other issues that you
3 wanted to come forward and testify about
4 concerning this lawsuit that we have not discussed
5 today?

6 A. No, just I want to say that I myself
7 and I think the members, as I believe, we are
8 against violation, terrorism, and so the same
9 I think all members of shariah boards of Islamic
10 banks. This I want to state, but nothing more
11 I can say.

12 MR. CARTER: Thank you for your time.
13 I am done for the day. Thank you.

14 THE VIDEOGRAPHER: This is the end of
15 tape three in the video deposition of Dr. Hussein
16 Hamid Hassan. Going off the record at 12:58. End
17 of the first day of the deposition.

DR. HUSSEIN HAMID HASSAN

CERTIFICATE OF WITNESS

I, HUSSEIN HAMID HASSAN, am the witness in the foregoing deposition. I have read the foregoing statement and, having made such changes and corrections as I desired, I certify that the transcript is a true and accurate record of my responses to the questions put to me on 1 August, 2017.

Signed:

Name: HUSSEIN HAMID HASSAN

Date:

DR. HUSSEIN HAMID HASSAN

CERTIFICATE OF COURT REPORTER

I, AILSA WILLIAMS, an Accredited LiveNote Reporter, hereby certify that HUSSEIN HAMID HASSAN was duly sworn, that I took the Stenograph notes of the foregoing deposition and that the transcript thereof is a true and accurate record transcribed to the best of my skill and ability. I further certify that I am neither counsel for, related to, nor employed by any of the parties to the action in which the deposition was taken, and that I am not a relative or employee of any attorney or counsel employed by the parties hereto, nor financially or otherwise interested in the outcome of the action.

Signed:

AILSA WILLIAMS

Dated: August 11th, 2017

DR. HUSSEIN HAMID HASSAN

E R R A T A

Deposition of HUSSEIN HAMID HASSAN

(Please show all corrections on this page, not in the transcript.)

Page/Line No.	Description	Reason for change
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Signed:

Name: HUSSEIN HAMID HASSAN

Date: